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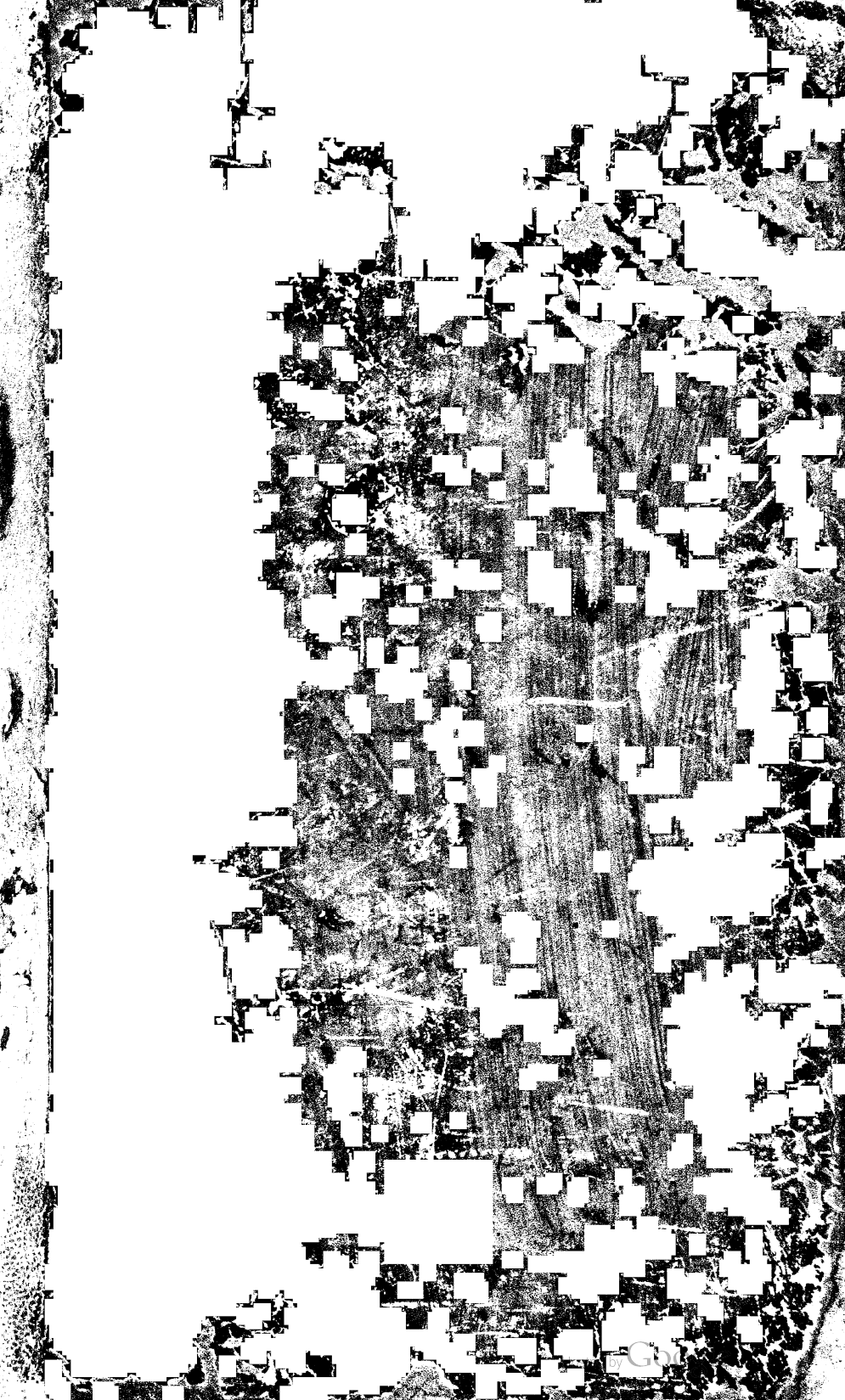
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T H E

Statutes at Large,

Anno vicesimo quinto GEORGE III. Regis.

Being the SECOND Session of the

Sixteenth Parliament of GREAT BRITAIN.

M. S. Hill

20859

THE
Statutes at Large,

FROM
MAGNA CHARTA

To the END of the,
Eleventh Parliament of GREAT BRITAIN,
Anno 1761.

CONTINUED.

By **DANBY PICKERING**, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

V O L. XXXV.

C A M B R I D G E,

Printed by **JOHN ARCHDEACON**, Printer to the **UNIVERSITY**;
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CUM PRIVILEGIO.

THE HISTORY OF THE

AMERICAN PEOPLE

A
T A B L E
OF THE
S T A T U T E S
PUBLICK and PRIVATE,

Passed *Anno vicesimo quinto*

GEORGI III. *Regis.*

Being the Second Session of the Sixteenth Parliament of
Great Britain.

PUBLICK ACTS.

Cap. 1. **F**OR confining, for a limited time, the trade between the ports of the United States of *America*, and his Majesty's subjects in the island of *Newfoundland*, to bread, flour, and live stock, to be imported in none but *British*-built ships, actually belonging to *British* subjects, and navigated according to law, clearing out from the ports of his Majesty's *European* dominions, and furnished with a licence according to the form hereunto annexed. ✓

Cap. 2. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and eighty-five.

Cap. 3. For the regulation of his Majesty's marine forces while on shore.

Cap. 4. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and eighty-five.

Cap. 5. For further continuing, for a limited time, an act made in the twenty-third year of the reign of his present Majesty, intituled, *An act for preventing certain instruments from being*
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being required from ships belonging to the United States of America; and to give to his Majesty, for a limited time, certain powers for the better carrying on trade and commerce between the subjects of his Majesty's dominions, and the inhabitants of the said United States; and for continuing, for a limited time, an act made in the twenty-fourth year of the reign of his present Majesty, intitled, *An act to extend the powers of an act, made in the twenty-third year of his present Majesty, for giving his Majesty certain powers for the better carrying on trade and commerce between the subjects of his Majesty's dominions, and the inhabitants of the United States of America, to the trade and commerce of this kingdom with the British colonies and plantations in America, with respect to certain articles therein mentioned.*

Cap. 6. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 7. For the more easy and speedy recovery of small debts, within the town and port of *Faversham*, the hundreds of *Faversham* and *Boughton*, and the several parishes of *Ospringe*, *Seafalter*, and *Whitstable*, in the county of *Kent*.

Cap. 8. For defraying the charge of the militia in that part of *Great Britain* called *England* for one year, beginning the twenty-fifth day of *March*, one thousand seven hundred and eighty-five.

Cap. 9. For paving, cleansing, and lighting *The High Street*, and other places within the town of *Huntingdon*, and for removing and preventing nuisances and annoyances therein.

Cap. 10. For building a new gaol, a penitentiary house, and certain new houses of correction, for the county of *Gloucester*, and for regulating the same.

Cap. 11. For raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty-five.

Cap. 12. For raising a further sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty-five.

Cap. 13. For repairing the highways, bridges, and ferries, in the county of *Perth*.

Cap. 14. For draining and preserving certain low lands, within the parish of *Timberland*, in the county of *Lincoln*.

Cap. 15. To enlarge the term and powers of several acts relating to the harbour of *Liverpool*; and for making two additional docks and piers in or near the port of *Liverpool*.

Cap. 16. For taking down the present market house, and certain other buildings, in the town of *Uxbridge*, for the purpose of widening *The High Street*; and for paving the footways, and lighting and cleansing the streets and other places within the said town, and removing and preventing nuisances and annoyances therein; and for changing the course of the road between *Mercer's Bridge* and *High Bridge*; and for rebuilding the said market house.

Cap. 17. To enable the house of commons to authorise the select

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from the turnpike road in Banbury, in the county of Oxford, through Daventry and Cottesbach, to the south end of Mill Field, in the parish of Lutterworth, in the county of Leicester.

PRIVATE ACTS.

1. **A**N act to enable *William Lucas Holden* to take and use the surname of *Rose*.
2. An act for naturalizing *Charles Frederick Wiple*.
3. An act for naturalizing *Frederick Hendrick Van Hagen*.
4. An act for inclosing, and leasing or letting a certain common, and certain waste grounds, lying within the parish of *Marston Montgomery*, in the county of *Derby*, and applying the profits thereof in aid of the poor's rate, and other parochial taxes of the said parish.
5. An act for dividing and inclosing the several open common fields, common or stinted pastures, wolds, ings, sands, meadow lands, and waste grounds, within the township of *South Cave*, in the east riding of the county of *York*.
6. An act for dividing, allotting, and inclosing the common fields, half year, or shack lands, commons, and waste grounds, within the parish of *Ashill*, in the county of *Norfolk*.
7. An act for naturalizing *Simon Tamm*.
8. An act for naturalizing *John Andrew De Luc*.
9. An act for naturalizing *Thomas Oom*, *Charles Frederick Bremer*, and *Daniel Philip Dobbert*.
10. An act to enable the right honourable *George Evelyn* viscount *Falmouth*, and others, and the guardians of their issue male, to make leases of the estates in *Cornwall*, devised by the will of *Hugh* late viscount *Falmouth* deceased, and also to grant sets and leases of the mines therein.
11. An act for vesting certain estates, in the counties of *Kent* and *Somerset*, and in the city of *London*, devised by the will of *Thomas* late earl of *Leicester*, deceased, in trustees, to be sold, and for laying out the money arising therefrom in the purchase of other estates, situate in the county of *Norfolk*, to be settled to the same uses.
12. An act for dividing and inclosing the several open and common arable fields, and the down or common called *Colerne Downe*, within the parish of *Colerne*, in the county of *Wilts*.
13. An act for dividing and inclosing certain parts of the moors, commons, and waste lands, within the manor of *Egleston*, in the county of *Durham*.
14. An act for dividing and inclosing the common fields, common meadows, heath, and waste lands, lying within the manor and parish of *Meriden*, in the county of *Warwick*, pursuant to an agreement entered into for that purpose.
15. An act for dividing and inclosing the several common pastures,

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pastures, commons, or waste grounds, within the townships of *Wykeham*, and *Ruston*, in the manor of *Wykeham*, in the north riding of the county of *York*.

16. An act to enable *William Pemberton* esquire, and his first and other sons, and their issue, to take, use, and bear the name and arms of *Cludde*, pursuant to the will of *Edward Cludde*, esquire, deceased.

17. An act for vesting in trust, for *Peter* lord *King*, and his heirs, the inheritance, in fee simple, of a messuage, or dwelling house, in *Dover-street*, in the county of *Middlesex*, devised and limited by the will of *Thomas* lord *King*, deceased, and for settling a farm, lands, and hereditaments, in the county of *Surrey*, in lieu thereof, to the uses limited by the same will.

18. An act for confirming an exchange agreed upon between the lord bishop of *Hereford* and the right honourable *Charles* lord *Sommers*, of certain estates in the county of *Hereford*.

19. An act for confirming a mortgage made by *John Newnham* esquire, of part of his settled estates in *Suffex*, pursuant to a decree of the high court of chancery, and for enabling him to make a further mortgage of his settled estates, according to such decree, and for discharging both incumbrances with the produce of his estates vested in trustees to be sold.

20. An act for establishing and confirming an agreement between the warden and scholars, clerks of Saint *Mary* college of *Winchester*, near *Winchester*, in the county of *Southampton*, and their lessee, and *Robert Pope Blachford* esquire, for exchange of certain grounds in the parish of *Whippingham*, in the Isle of *Wight*, and county of *Southampton* aforesaid.

21. An act for vesting two thirty-sixth shares of the navigation of the river *Douglas*, alias *Astrand*, in the county of *Lancaster*, part of the settled estates of *Edward Holt* esquire, in trustees, to be sold, and for laying out the money arising by such sale in the purchase of lands and hereditaments, to be settled in lieu thereof, to the same uses.

22. An act for vesting the estates devised by the will of *Anthony Wharton* esquire, deceased, situate and being in the county of *York*, in trustees, to be sold, for payment of the debts and incumbrances affecting the same, and for laying out the surplus of the purchase money upon the trusts, and for the purposes, therein expressed.

23. An act for dividing and inclosing a certain waste, or common, called *Lizard Common*, within the parish of *Idsal*, otherwise *Shiffnal*, in the county of *Salop*.

24. An act for dividing and inclosing the commons and waste lands called *Frodington*, otherwise *Fraddington*, otherwise *Fratton Common*, and *South Sea Common* and *Wastes*, in the guildable part of the parish of *Portsea*, and county of *Southampton*.

25. An act for dividing and inclosing the common fields and waste lands within the manors of *Kinnerley* and *Melverley*, in the county of *Salop*.

26. An act for dividing and inclosing certain commons and waste

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waste lands within the townships of *Pickering* and *Newton*, in the north riding of the county of *York*.

27. An act for dividing and inclosing the commons, open common fields, common meadows, commonable lands, and waste grounds, within the liberty of *Holbrooke*, in the parish of *Duffield*, in the county of *Derby*.

28. An act for dividing and inclosing the common fields, common meadows, waste lands, and other commonable places, within the parish of *Upper Clatford*, in the county of *Southampton*.

29. An act for dividing, allotting, and inclosing the open and common fields, and common or waste land, within the lordship or liberty of *Osgathorpe*, in the county of *Leicester*.

30. An act to enable *John Simpson* (lately called *John Bridgman*) esquire, and the heirs male of his body, to take and use the surname of *Simpson*, pursuant to the will of *William Simpson* esquire, deceased, and also to bear the arms belonging to the family of *Simpson*.

31. An act for exchanging part of the settled estate of *Heneage* Earl of *Aylesford*, in the county of *Kent*, for another estate, of greater value, in the same county, to be settled in lieu thereof.

32. An act for vesting a cottage of tenement, used as and for a school-house, and other hereditaments, in or near the town of *Milton*, in the county of *Dorset*, in *Joseph* lord *Milton*, and his heirs, in lieu of, or in compensation for, a messuage or tenement and garden, situate and being in the town of *Blandford Forum*, of greater value.

33. An act for vesting part of the settled estates, and such of the estates of the right honourable sir *John Shelly*, baronet, deceased, which, upon his death, descended to his son sir *John Shelly* baronet, an infant, as his heir at law, in trustees, for the purposes within mentioned.

34. An act for better regulating the charity of *John Shastot*, of *Nether Warden*, in the county of *Northumberland*, clerk, deceased.

35. An act for vesting certain detached parts of the settled estates of *Henry Hippisley Coxe* esquire, in *Somersetshire*, in trustees, to be sold, and for laying out the purchase money in other estates to be settled to the same uses, and for enabling the tenants for life to grant as well leases of the coal mines as other leases.

36. An act for vesting part of the settled estates of *John Cotes* esquire, in the counties of *Montgomery*, *Salop*, and *Stafford*, in trustees, to be sold, for raising money for payment of debts and incumbrances affecting the same estates, and for other purposes therein mentioned.

37. An act to effectuate a partition of the estates of *Job Hanmer* esquire, the reverend *Erasmus Warren* clerk, and sir *Thomas Charles Bunbury* baronet, in the counties of *Suffolk* and *Essex*.

38. An act for vesting part of the estates of *John Topp* esquire, deceased,

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deceased, in the counties of *Salop* and *Montgomery*, in trustees, to be sold, for payment of his debts and legacies, and the costs of suit, pursuant to the directions of the court of chancery, and for discharging part of the estates so vested from a perpetual yearly rent charge, and for subjecting part of the said *John Topp's* devised estates to the payment thereof.

39. An act for empowering the judges of the court of session in *Scotland* to sell such parts of the estates of *Barnbarroch* and *Shenchan*, lying in the county of *Wigtown*, and stewardry of *Kirkcudbright*, belonging to *Robert Agnew* esquire, as shall be sufficient for payment of the debts affecting either of those estates, and for vesting the remainder in fee tail to the same heirs, and under the same limitations, as are mentioned in the deed of entail thereof, bearing date the twenty-ninth day of *December*; one thousand seven hundred and fifty-seven.

40. An act for vesting the estate of *Drummodie*, and others, lying in the county of *Wigton*, in sir *William Maxwell*, of *Munreith* baronet, in fee simple; and for vesting in the said Sir *William Maxwell*, his heirs and assigns, in fee tail, the estate of *Little Killantrae*, and others, lying in the same county, in lieu thereof.

41. An act for vesting the undivided moiety of the freehold and copyhold estates of *William Clarke* esquire, deceased, devised by his will for the benefit of his daughter *Mary Forbes*, and her issue, in trustees, for the purposes within mentioned.

42. An act to enable the honourable *Wilbraham Tollemache*, and the several other persons therein mentioned, to grant building leases of certain parts of lands and hereditaments in the county palatine of *Chester*, (devised by the will of the right honourable *Lionel* late earl of *Dysart*) upon the terms and restrictions therein mentioned.

43. An act for vesting part of the settled estates of *James Walwyn* esquire, in the county of *Hereford*, in the said *James Walwyn*, in fee simple, and for settling other estates of the said *James Walwyn*, in the said county, of greater value, in lieu thereof.

44. An act for sale of a sufficient part of the estates of *Hugh Parnell*, a lunatick, for payment of his debts and incumbrances, under the direction of the court of chancery.

45. An act for dividing and inclosing the commons, waste grounds, and moss, within the hamlet or township of *Forton*, in the county of *LANCASTER*.

46. An act for dividing and inclosing certain open common fields, meadows, pastures, ings, and other commonable lands, and waste grounds, within the parish of *Donnington upon Bains*, in the county of *LINCOLN*.

47. An act for dividing, allotting, and inclosing, the open and common fields, common crofts, and common meadows, and for draining and improving certain common moors, within the parish of *Wimborne Minster*, in the county of *DORSET*.

48. An act for dividing, inclosing, and improving certain lands,

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select committee, appointed to try the merits of the petition of the honourable *Saint Andrew Saint John*, complaining of an undue election for the county of *Bedford*, to proceed in case the said select committee shall be reduced to a less number than is prescribed by an act, made in the tenth year of the reign of his present Majesty, intituled, *An act to regulate the trials of controverted elections, or returns of members to serve in parliament.*

Cap. 18. To impower the justices of oyer and terminer and gaol delivery of *Newgate* for the county of *Middlesex*, to continue to hold a session of gaol delivery of *Newgate*, begun to be holden before the essoign day of term, and sitting of the king's bench at *Westminster*, notwithstanding the happening of such essoign day, or the sitting of the said court of king's bench at *Westminster*, or elsewhere, in the said county of *Middlesex*.

Cap. 19. For appointing commissioners to enquire into the fees, gratuities, perquisites, and emoluments, which are, or have been lately, received in the several publick offices therein mentioned; to examine into any abuses which may exist in the same; and to report such observations as shall occur to them, for the better conducting and managing the business transacted in the said offices.

Cap. 20. For appointing commissioners to put in execution an act of this session of parliament, intituled *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and eight-five*; together with those named in three former acts for appointing commissioners of the land tax; and with those named in the land tax act of the twenty-third year of his Majesty's reign, and in the land tax act of this session of parliament.

Cap. 21. To render more effectual several acts of parliament, for *erecting hospitals and workhouses, within the city and county of the city of Exon, for the better employing and maintaining the poor there*; and to raise further sums of money for the better carrying the purposes of the said acts into execution.

Cap. 22. For repealing so much of an act made in the last session of parliament as relates to the distillation of corn spirits in small stills, in certain counties or districts of the highlands in that part of *Great Britain* called *Scotland*; and for authorising the commissioners of excise in *Scotland* to grant licences, to persons living in the said counties or districts, to distil spirits from barley, beer, or big, the growth of the said counties; and for imposing a duty on such licences.

Cap. 23. For better paving, cleansing, lighting, and watching the streets, lanes, yards, courts, alleys, and passages, within that part of the parish of *Saint Mary Magdalen, Bermondsey*, in the county of *Surrey*, called *The Water-side Division*, and for removing and preventing nuisances and annoyances therein; and for lighting and watching certain parts of and belonging to the turnpike road leading from the east end of *New Street*, in *Southwark* to *Deptford*, in the county of *Kent*, within the said *Water-side Division* of the said parish, therein mentioned.

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Cap. 24. To repeal so much of an act made in the last session of parliament, as imposes duties on all stuffs made of cotton and linen mixed, and stuffs wholly made of cotton wool, wove in *Great Britain*, not being printed, painted, or stained; and on licences for bleaching or dyeing the same.

Cap. 25. For allowing further time for the importation of goods, the produce or manufacture of the island of *Tobago*, upon payment of the *British* plantation duties.

Cap. 26. For the better preservation and improvement of the river *Wear*, and port and haven of *Sunderland*, in the county palatine of *Durham*.

Cap. 27. For the better relief and employment of the poor within the hundreds of *Tunstead* and *Happing*, in the county of *Norfolk*.

Cap. 28. For opening an easy and commodious communication from the *High Street* of *Edinburgh*, to the country southward; and also from the *Lawn Market* to the new-extended royalty on the north, and for enabling trustees to purchase lands, houses, and areas, for that purpose; for widening and enlarging the streets of the said city, and certain avenues leading to the same; for rebuilding or improving the university; for enlarging the publick markets, and communications thereto; for regulating certain taxes; for lighting the said city; for providing an additional supply of water; for extending the royalty of the said city; and for levying an additional sum of money for statute labour in the middle district of the county of *Edinburgh*.

Cap. 29. To explain, amend, and render more effectual, an act passed in the twenty-third year of his present Majesty's reign, intituled, *An act for authorising the treasurer of the navy to pay to the garrison and naval department at Gibraltar, the like bounty for destroying certain Spanish ships of war, as is allowed to the officers and men on board any of his Majesty's ships of war taking or destroying ships of war belonging to the enemy.*

Cap. 30. For granting to his Majesty certain duties on shops within *Great Britain*.

Cap. 31. For better regulating the office of the treasurer of his Majesty's navy.

Cap. 32. For granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures.

Cap. 33. For raising a further sum of money, by exchequer bills, for the service of the year one thousand seven hundred and eighty-five.

Cap. 34. For better paving, cleansing, repairing, lighting, and watching the highways, streets, and lanes, of and in the vill of *Ramsgate*, in the county of *Kent*; and for removing and preventing annoyances therein; and for erecting a market-house, and holding a publick market in the said vill.

Cap. 35. For the more easy and effectual sale of lands, tenements, and hereditaments of crown debtors, or of their sureties.

Cap. 36. For building a new bridge over the haven of *Great Yarmouth*;

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Yarmouth; and for enlarging the term, and altering some of the powers, of an act of the twelfth year of his present Majesty, for clearing, deepening, repairing, maintaining, and improving, the haven and piers of Great Yarmouth; and for deepening and making more navigable the several rivers emptying themselves into the said haven; and for preserving ships wintering therein from accidents by fire.

Cap. 37. For rebuilding the bridge across the river of *Ayr*, at the town of *Ayr*.

Cap. 38. For vesting in *Edward Bancroft*, doctor in physick, his executors, administrators, and assigns, the sole property of his invention or discovery of the use and application of certain vegetables for dying, staining, printing and painting certain valuable colours, throughout that part of his Majesty's kingdom of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*, for a limited time.

Cap. 39. For the better preserving and maintaining the piers and harbour of *Cromarty* in *North Britain*.

Cap. 40. For more effectually preventing frauds and abuses committed by persons employed in the manufactures of combing wool, worsted yarn, and goods made from worsted, in the counties of *Bedford*, *Huntingdon*, *Northampton*, *Leicester*, *Rutland*, and *Lincoln*, and the *Isle of Ely*.

Cap. 41. To repeal part of an act, passed in the sixth year of his present Majesty, for the relief and employment of the poor of the parish of *Richmond*, in the county of *Surrey*, and other purposes in the said act mentioned; and for making new provisions for the relief and employment of the poor, for the repairs of the highways, the paving, cleansing, lighting, and watching the streets, and other places, in the town and parish of *Richmond* aforesaid; for the removal and prevention of annoyances, obstructions, and encroachments therein; for inclosing certain commons or waste lands within the said parish, for the use of the poor; and to enable the vestrymen of the said parish to erect a workhouse thereon; and to purchase land for a burial ground; and also to enable his Majesty to shut up a lane within the said parish, called *Love Lane*.

Cap. 42. For vesting in *Archibald* earl of *Dundonald*, his executors, administrators, and assigns, the sole use and property of a method of extracting or making tar, pitch, essential oils, volatile alkali, mineral acids, salts, and cinders, from pit coal, throughout his Majesty's dominions, for a limited time.

Cap. 43. To repeal the duties on male servants; and for granting new duties on male and female servants.

Cap. 44. For regulating insurances on ships, and on goods, merchandizes, or effects.

Cap. 45. For reducing the time for the imprisonment of debtors committed to prison, upon prosecutions in courts of conscience, in *London*, *Middlesex*, and the borough of *Southwark*, to the same periods in each court; and for abolishing fees paid by those debtors to gaolers, or others, on account of such imprisonment.

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Cap. 46. For the more effectual transportation of felons, and other offenders, in that part of *Great Britain* called *Scotland*, and to authorise the removal of prisoners in certain cases.

Cap. 47. For transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred.

Cap. 48. For granting to his Majesty certain stamp-duties on licences to be taken out by persons using or exercising the trade or business of a pawnbroker.

Cap. 49. For granting to his Majesty certain duties upon licences to be taken out by coachmakers; and also certain duties upon carriages to be built for sale.

Cap. 50. For repealing an act, made in the twenty-fourth year of the reign of his present Majesty, intituled, *An act for granting to his Majesty certain duties on certificates issued with respect to the killing of game*; and for granting other duties in lieu thereof.

Cap. 51. For repealing the duties on licences taken out by persons letting horses for the purpose of travelling post, and on horses let to hire for travelling post, and by time, and on stage coaches; and for granting other duties in lieu thereof; and also additional duties on horses let to hire for travelling post, and by time.

Cap. 52. For better examining and auditing the publick accounts of this kingdom.

Cap. 53. For settling an annuity of nine thousand pounds on his royal highness the duke of *Gloucester*, in lieu of the like annuity payable out of the duties of four and one half *per centum* in *Barbadoes* and the *Leeward Islands*.

Cap. 54. For better securing the duties upon coals, culm, and cinders.

Cap. 55. For granting to his Majesty certain duties on licences to be taken out by persons vending gloves or mittens; and also certain duties on gloves and mittens sold by retail.

Cap. 56. For more effectually preventing deceits and frauds in the manufacturing of cordage for shipping, and to prevent the illicit importation of foreign-made cordage.

Cap. 57. To exempt carriages, carrying the mail, from paying tolls at any turnpike gate in *Great Britain*.

Cap. 58. For the encouragement of the pilchard fishery, by allowing a farther bounty upon pilchards taken, cured, and exported.

Cap. 59. For granting to his Majesty a certain sum of money, to be raised by a lottery.

Cap. 60. For granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty-five; and for further appropriating the supplies granted in this session of parliament; and for providing

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viding a compensation to the clerks in the offices of the principal secretaries of state, for the advantages such clerks enjoyed before the commencement of an act, made in the twenty-fourth year of the reign of his present Majesty, for *establishing certain regulations concerning the portage and conveyance of letters and packets by the post, between Great Britain and Ireland.*

Cap. 61. To authorise the lord steward of the household, the lord chamberlain, the master of the horse, the master of the robes, and the lords of the treasury, respectively, to pay bounties granted by his Majesty, to persons in low and indigent circumstances.

Cap. 62. To prohibit, for a limited time, the exportation of hay.

Cap. 63. For reducing the allowances for waste on salt and rock salt; for regulating the exportation of salt to *Jersey, Guernsey, Alderney, and Sark*; for repealing the laws allowing the use of foul salt for manure only; for allowing a drawback on the exportation of *Glauber* or *Epsom* salts; for restraining fish curers from being dealers in salt; for regulating the exportation of herrings from the *Isle of Man*; for better securing the duties on salt; and for indemnifying persons who have been guilty of offences against the laws relating to the duties on salt.

Cap. 64. For altering and amending an act made in the last session of parliament, intituled, *An act for granting to his Majesty certain duties on all gold and silver plate imported, and also certain duties on all gold and silver wrought plate made in Great Britain.*

Cap. 65. For the further encouragement of the *British* fisheries.

Cap. 66. To explain and amend an act made in the twenty-fourth year of the reign of his present Majesty, intituled, *An act for granting to his Majesty certain rates and duties upon bricks and tiles made in Great Britain; and for laying additional duties on bricks and tiles imported into the same.*

Cap. 67. To prohibit the exportation to foreign parts, of tools and utensils made use of in the iron and steel manufactures of this kingdom; and to prevent the seducing of artificers or workmen, employed in those manufactures, to go into parts beyond the seas.

Cap. 68. For appointing and enabling commissioners further to examine, take, and state the publick accounts of the kingdom.

Cap. 69. To repeal the duties upon flasks in which *Florence* wine and oil is imported; to permit the importation of wines in small casks for private use; to revive, continue, and amend so much of an act made in the sixteenth year of his present Majesty, as allows the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in *America*; for disallowing the drawback on the exportation of snuff; for continuing the permission to land rum or spirits of the *British* sugar plantations, before payment of the duties of excise; for

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revising and continuing the premiums upon the importation of pitch, tar, and turpentine, from *East Florida*, into *Great Britain*; for allowing a bounty upon the exportation of silk gauzes, and a drawback upon the exportation of raw silk.

Cap. 70. To rectify a mistake in an act, passed in this present session of parliament, intituled, *An act to repeal the duties on male servants; and for granting new duties on male and female servants.*

Cap. 71. For extending the time limited, by an act of this session, for delivering in navy, victualling, and transport bills.

Cap. 72. For repealing the duties on linens to be printed, painted, stained, or dyed in *Great Britain*, imposed by an act made in the last session of parliament, and for granting other duties in lieu thereof; and on cotton stuffs, muslins, fustians, velvets, and velverets, wove in *Great Britain*, to be printed, stained, painted, or dyed; and upon the importation of linens, cotton stuffs, muslins, fustians, velvets, and velverets, printed, stained, painted, or dyed in foreign parts.

Cap. 73. To declare, that brewers selling beer or ale in less quantities than a cask, containing four gallons and a half, shall not be intitled to any allowance out of the duties of excise for waste or leakage; and for making allowances to distillers of low wines and spirits from malt, corn, or grain, in respect to the duties imposed by an act of the last session of parliament.

Cap. 74. For repealing the duty imposed on tea by an act passed in the last session of parliament, and for granting other duties in lieu thereof; for repealing so much of several acts as relates to the removal of tea; for directing the officers of excise to examine and certify the exportation of exciseable commodities; and for better securing the duties on candles.

Cap. 75. To extend the provisions of an act, made in the twenty-third year of his present Majesty's reign, for granting to his Majesty a stamp duty on the registry of burials, marriages, births, and christenings, to the registry of burials, births, and christenings of protestant dissenters from the church of England.

Cap. 76. For appointing commissioners further to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in *America*, in consequence of their loyalty to his Majesty, and attachment to the *British* government.

Cap. 77. To amend so much of an act, passed in the fourteenth year of the reign of his present Majesty, for the further and better regulation of buildings and party walls; and for the more effectually preventing mischiefs by fire within the cities of London and Westminster, and the liberties thereof, and other the places therein mentioned, as relates to manufactories of turpentine; for extending the provisions of the said act, so amended, to manufactories of pitch, tar, and turpentine, throughout that part of *Great Britain* called *England*; and for indemnifying the proprietor of a turpentine manufactory in *Potter's Fields*, in the bo-

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rough of *Southwark*, against the penalties he may be liable to under the said act; and for excepting, for a limited time, his said manufactory from the provisions herein contained.

Cap. 78. For granting to his Majesty additional duties on hawkers, pedlars, and petty chapmen; and for regulating their trade.

Cap. 79. For repealing an act made in the twenty-third year of the reign of his present Majesty, intituled, *An act for granting to his Majesty a stamp-duty on licences to be taken out by certain persons uttering or vending medicines; and certain stamp-duties on all medicines sold under such licences, or under the authority of his Majesty's letters patent*; and for granting other duties in lieu thereof.

Cap. 80. For granting to his Majesty certain duties on certificates to be taken out by solicitors, attornies, and others, practising in certain courts of justice in *Great Britain*; and certain other duties with respect to warrants, mandates, and authorities, to be entered or filed of record, as therein mentioned.

Cap. 81. For the better securing the duties payable on tobacco.

Cap. 82. To indemnify such persons as have omitted to qualify themselves for offices and employments, and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors; and for indemnifying persons who have acted as trustees of turnpike roads in certain cases, and declaring their proceedings valid.

Cap. 83. For further postponing the payment of the sum of two millions, advanced by the governor and company of the bank of *England*, towards the supply for the service of the year one thousand seven hundred and eighty-one.

Cap. 84. To limit the duration of polls and scrutinies, and for making other regulations touching the election of members to serve in parliament for places within *England* and *Wales*, and for *Berwick upon Tweed*; and also for removing difficulties which may arise for want of returns being made of members to serve in parliament.

Cap. 85. For paving the footways in the borough of *Reading*, in the county of *Berks*; for better repairing, cleansing, lighting, and watching the streets, lanes, passages, and places, in the said borough; and for removing incroachments, obstructions, and annoyances therefrom, and preventing the like for the future.

Cap. 86. For better watching, lighting, and cleansing such parts of the precinct of *Saint Catharine* near the tower of *London*,

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in the county of *Middlesex*, as are not included in the provisions of certain acts passed in the seventh and ninth years of his present Majesty's reign; and for preventing nuisances and annoyances therein.

Cap. 87. For extending the *Dudley* canal to the *Birmingham* canal, at or near *Tipton Green*, in the county of *Stafford*.

Cap. 88. For lighting and watching the village of *Clapham*, and certain roads leading thereto, in the county of *Surrey*.

Cap. 89. For supplying the inhabitants of the parish of *Lambeth*, and parts adjacent, in the county of *Surrey* with water.

Cap. 90. For the better paving, cleansing, and lighting, the streets, lanes, ways, and passages, within the borough of *Arun- del*, in the county of *Suffex*; and for removing and preventing incroachments, obstructions, and annoyances therein.

Cap. 91. For taking down the market house in the borough of *Bridport*, in the county of *Dorset*, and rebuilding the same, together with a session or court house, in a more convenient situation; for removing the shambles, or butcher row; for better paving, cleansing, lighting, and watching the said borough; for removing and preventing nuisances and annoyances; and for prohibiting the covering of any new houses or buildings within the said borough with thatch.

Cap. 92. For draining, preserving, and improving certain low grounds and carrs in the several parishes of *Saint John* in *Beverley*, and of *Skidby*, in the east riding of the county of *York*.

Cap. 93. For the removal and rebuilding of the council chamber, guildhall, and gaol, of the city of *New Sarum*; and for ascertaining the tolls of the market, and regulating the chairmen within the said city.

Cap. 94. For repairing, new pewing, seating, and erecting galleries, and making other alterations and additions in and to the parish church of *Kidderminster*, in the county of *Worcester*.

Cap. 95. For rebuilding the parish church of *Christ Church*, otherwise *The Holy Trinity*, within the city of *Bristol*; and for widening the streets adjacent thereto.

Cap. 96. For amending two acts, of the eighth and sixteenth years of his present Majesty, for opening certain passages, and for paving the streets and other places, in the parish of *Saint Leonard Shoreditch*, and such part of *Hog Lane* as lies within the liberty of *Norton Falgate*, in the county of *Middlesex*, and for preventing annoyances therein.

Cap. 97. To enable the mayor and commonalty and citizens of the city of *London* to pull down the *Poultry* and *Wood-street Compters*, and to purchase certain ground and buildings within the said city for the purpose of rebuilding the same.

Cap. 98. To enable his Majesty to grant the inheritance of certain lands, tenements, and hereditaments, situate in or near *North Scotland Yard*, in the county of *Middlesex*, in exchange for the inheritance of certain buildings or barracks, and land adjoining thereto, and also of certain ground contiguous to *Tin- mouth*

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mouth Castle, in the county of *Northumberland*, belonging to the duke of *Northumberland*, or for such further or other compensation as shall be a full consideration for the same; and also to empower the said duke to make such exchange.

Cap. 99. To enable the company of proprietors of the navigation from the *Trent* to *The Mersey*, and the company of proprietors of the navigation from *Birmingham* to *Fazeley*, to make a navigable canal from the said *Trent* and *Mersey* navigation, on *Fradley Heath*, in the county of *Stafford*, to *Fazeley*, in the said county; and for confirming certain articles of agreement entered into between the said *Trent* and *Mersey*, the *Oxford*, and the *Coventry*, canal navigation companies.

Cap. 100. For amending and improving the navigation of the river *Arun*, from *Houghton Bridge*, in the parish of *Houghton*, in the county of *Suffex*, to *Pallenham Wharf*, in the parish of *Wisborough Green* in the said county; and for continuing and extending the navigation of the said river *Arun*, from the said wharf called *Pallenham Wharf*, to a certain bridge, called *New Bridge*, situate in the parishes of *Pulborough* and *Wisborough Green*, in the said county of *Suffex*.

PUBLICK ACTS not printed in this COLLECTION.

Cap. 101. For continuing the term and powers of an act, made in the fourth year of his present Majesty's reign, for repairing several roads leading from *The Buck's Head*, at *Watling Street*, to *Beckbury*, and *The New Inn*, and from the *Birches Brook* to the *Hand Post* in the parish of *Kemberton*, in the county of *Salop*, and for making the same more effectual.

Cap. 102. To continue the term, and alter and enlarge the powers of an act made in the seventh year of his present Majesty's reign, to repair and widen the roads from *Whitchurch*, in the county of *Salop*, to the turnpike road between *Nantwich*, in the county of *Chester*, and *Newcastle-under-Lyne*; and from *Hinstock* to *Nantwich* aforesaid.

Cap. 103. For continuing an act of the sixth year of his present Majesty, for amending and widening the road from the town of *Biddenden*, in the *Weald* of *Kent*, through the towns of *Srnarden* and *Charing*, to join the turnpike road which leads from *Ashford* to *Faverham*, at a place called *Bound Gate*.

Cap. 104. For enlarging the term and powers of an act, made in the fourth year of the reign of *King George the Third*, intituled, *An act for amending and widening the road from Tinsley*, in the county of *York*, to the town of *Doncaster*, in the said county.

Cap. 105. For enlarging the term and powers of an act made in the fourth year of the reign of *King George the Third*, intituled, *An act for amending and widening the road from the south end of the town of Rotherham*, in the county of *York*, to the present turnpike road near *Pleasley*, in the county of *Derby*; and also the road from the north end of the said town of *Rotherham*, into the present turnpike road on the east side of *Tankerley Park*, in the said county

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county of York, so far as the same relates to the road leading from Rotherham aforesaid to the turnpike road near Pleasley aforesaid.

Cap. 106. For reviving, continuing, and enlarging the term and powers of an act, passed in the third year of the reign of his present Majesty, *for repairing and widening the road from a place called Nightingales, in the township of Heath Charnock, to the bridge at the west end of the town of Bolton in the Moors, in the county palatine of Lancaſter.*

Cap. 107. For enlarging the term and powers of an act, passed in the fourth year of the reign of his present majesty King George the Third, intituled, *An act for repairing and widening the road from Derby to Mansfield, in the county of Nottingham, and several other roads therein mentioned.*

Cap. 108. For continuing the term of an act, passed in the fourth year of the reign of his present Majesty, (intituled, *An act for repairing and widening several roads leading from Callington, in the county of Cornwall;*) and for widening and repairing the road leading from *Bushford, to Beal's Mill, in the parish of Stoke Climsland;* and also the road from *Penterſcros,* in the parish of *Pillaton,* to a place called *The Fighting Cocks,* in the parish of *Botes Fleming,* all in the said county.

Cap. 109. For enlarging the term and powers of an act of the fourth year of his present Majesty, *for repairing the roads from Horſham to the top of Beading Hill, and from Steyning to the top of Steyning Hill, in the county of Suffex.*

Cap. 110. For enlarging the term and powers of an act, passed in the fourth year of the reign of his present Majesty, *for repairing and widening the road from Beverley to Kexby bridge, in the county of York.*

Cap. 111. For enlarging the term and powers of an act, passed in the fourth year of the reign of his present Majesty, *for repairing and widening the road from the west end of Baxter Gate, in the town of Whitby, to the south end of Lockton Lane, in the parish of Middleton, in the county of York.*

Cap. 112. For continuing the term, and altering and enlarging the powers of two acts of the second and ninth years of his present Majesty, *for repairing and widening the roads from the White Post on Hafelden's Wood, in the parish of Cranbrook, to Appledore Heath; and from Milkhouse Street, in the same parish, to Castleden's Oak, in the parish of Biddenden; and from the turnpike road in the parish of Tenterden, through Rolvenden, to the turnpike road in the parish of Newenden, in the county of Kent.*

Cap. 113. For enlarging the term and powers of an act passed in the fourth year of his present Majesty's reign, *for repairing and widening the roads from Melton Mowbray, in the county of Leicester, to the guide post in Saint Margaret's Field, Leicester; and from the town of Leicester to the town of Lutterworth, in the said county; and other roads therein mentioned.*

Cap. 114. For enlarging the term and powers of an act, made in the third year of the reign of his present Majesty, *for amend-*
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ing and widening the roads leading from New Street and Pig Street, in Penryn, in the county of Cornwall, to Redruth, in the same county.

Cap. 115. For repairing and widening the roads leading from the gibbet or *Lutterworth Hand*, on the *Watling Street Road*, through the parishes of *Churchover*, *Brownsover*, *Newbold upon Avon*, *Rugby* and *Bilton*, in the county of *Warwick*, to the turnpike road between *Dunchurch* and *Hillmorton*, in the said county, at or near a publick house known by the sign of the *Cock*, in the said parish of *Bilton*.

Cap. 116. For amending and keeping in repair the road leading from *Ipswich* to *South Town*; and from the said road at *Beech Lane*, in the parish of *Darsbam*, to *Bungay* in the county of *Suffolk*.

Cap. 117. For more effectually repairing the roads leading from *The Stones End* in *Blackman Street*, in the borough of *Southwark*, in the county of *Surrey*, to *Highbate*, in the county of *Suffex*, and to *Sutton* and *Kingston*; and from *Vauxhall Bridge*, through *Stockwell*, to *Brixton Causeway*; and from *Newington* to the east end of *Peckham Lane*; and from *Camberwell Green* to *The Fox under the Hill*, in the county of *Surrey*; and for repealing so much of several acts, now in force, as relates to the said roads; and for repairing the road from *Highbate* aforesaid, to *Witchcross*, in the county of *Suffex*.

Cap. 118. For continuing the term, and altering and enlarging the powers, of an act, made in the eighth year of his present Majesty, for amending and widening several roads leading from the town of *Bishop's Castle*, and from *Montgomery* to the turnpike road at *Westbury*, and from *Brockton* to the turnpike road at *Minsterley*, in the several counties of *Salop*, *Radnor*, and *Montgomery*; and for amending, widening, and keeping in repair, several other roads in the counties of *Salop* and *Montgomery*.

Cap. 119. For continuing the term, and altering and enlarging the powers, of an act of the fourth year of his present Majesty, for repairing and widening several roads leading from the town of *Bideford*, in the county of *Devon*.

Cap. 120. For enlarging the term and powers of an act made in the fourth year of the reign of his present Majesty, for repairing and widening the road from *Scott's Dyke*, in the county of *Dumfries*, by or through the villages of *Langholm*, and *Hawick*, to *Haremois* in the county of *Roxburgh*.

Cap. 121. For enlarging the term and powers of an act made in the fourth year of the reign of his present Majesty, intituled, *An act for widening and repairing the road leading from Ashborne*, in the county of *Derby*, over *Belpar Bridge*, to the present turnpike road from *Sheffield* and *Chesterfield* to *Derby*, at or near a place called *Openwood Gate*, and from *Belpar Bridge* to *Ripley*, in the county of *Derby*.

Cap. 122. For enlarging the term and powers of an act, made in the fourth year of his present Majesty's reign, intituled, *An act*

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act for amending, widening, and keeping in repair, several roads leading from the town of Cardiff, and several other towns and places, in the county of Glamorgan; and for making, altering, repairing, and widening, certain other roads within the said county.

Cap. 123. To enlarge the term and powers of an act passed in the fourth year of his present Majesty's reign, *for repairing and widening the roads from the high bridge in Spalding, to a certain place called Tydd Goat, in the county of Lincoln; and from Sutton Saint Mary's to Sutton Wash, in the said county.*

Cap. 124. For amending and keeping in repair, the road from *Whitechapel Church*, in the county of *Middlesex*, to *Shenfield*, and the furthest part of the parish of *Woodford*, towards *Epping*; and from the causeway, in the parish of *Low Layton*, to the end of the said parish of *Woodford*, next *Chigwell*, and through the parishes of *Chigwell* and *Lambourn*, in the county of *Essex*; and for lighting and watching the said road from *Whitechapel Church* to the four mile stones in the *Rumford* and *Woodford* roads.

Cap. 125. For amending the roads from a place called *Piff's Elm*, in the *Tewkesbury* turnpike road, through *Cheltenham*, to *Elston Church*, and from thence to *Coombe Beeches*, in the road from *Cirencester* to *Gloucester*; and from the market house in *Cheltenham* to the *Burford* turnpike road at a place called *Pewdon Ash*; and from *Cheltenham* to the road from *Gloucester* to *London*, at or near a house called *Kilkenney*; and from the direction post in *Bembridge Field*, through *Birdlip*, to join the road from *Gloucester* to *Bath*, at or near *Painswick*, and at a house called *The Harrow*, all in the county of *Gloucester*.

Cap. 126. For enlarging the term and powers of an act, made in the fourth year of the reign of his present Majesty, *for repairing and widening the roads from the end of Stanbridge Lane, near a barn, in the parish of Romfey, to the turnpike road at Middle Wallop; and from the turnpike road between Stanbridge Lane aforesaid, and Great Bridge, to the turnpike road at Stockbridge; and from the garden of Henry Hattat at Awbridge, to the garden wall of Denys Rolle esquire, at East Tuderley; and from Lockerley mill stream to East Dean gate; and from the said garden wall to the turnpike road leading from Stockbridge aforesaid, in the county of Southampton, to Salisbury.*

Cap. 127. To enlarge the term and powers of an act, passed in the tenth year of his present Majesty's reign, *for amending the road from Aylesbury, in the county of Buckingham, through Thame and Little Milton, to the turnpike road between Bensington and Shillingford, in the county of Oxford; and for amending the road from the turnpike road at Thame, to the Oxford turnpike road between Postcomb and Tetworth, in the said county of Oxford.*

Cap. 128. To enlarge the term, and explain and amend the powers, of an act passed in the fifth year of the reign of his present Majesty, intituled, *An act for repairing and widening the road from*

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lands, grounds, carrs, and common pastures, in *Woodmansey*, *Thearne*, *Weal*, and *Skidby*, all in the parishes of *Saint John* in *Beverley*, and of *Skidby*, in the east riding of the county of *York*.

49. An act for dividing and inclosing an open waste, or common, in the parish of *Sidleham*, in the county of *Suffex*.

50. An act for dividing and inclosing a certain open tract of land called *Rotbwell Haigh*, within *Rotbwell*, in the west riding of the county of *York*.

51. An act for naturalizing *William Henry Collignon*.

52. An act for naturalizing *Barnard Levi*.

53. An act for vesting certain messuages, lands, and hereditaments, in the parish of *Landegai*, in the county of *Carnarvon*, belonging to the trustees of the free school of *Beaumaris*, in the right honourable *Richard* lord *Penrhyn*, of the kingdom of *Ireland*, and his heirs, upon certain terms and conditions therein mentioned.

54. An act for vesting a fee farm rent, belonging to *Thomas Borrett* esquire, and *Martha* his wife, in the county of *Bedford*, comprized in a settlement made upon their marriage, in trustees, to be sold, for the purposes in the act mentioned; and for vesting other parts of their settled estates, situate in the county of *Kent*, for the separate use of the said *Martha Borrett*, and to other uses, the same as in the former settlements thereof.

55. An act to enable *Elizabeth Osborne*, *William Symonds*, *Thomas Symonds Powell*, and *John Moore Green*, their heirs or assigns, to convey certain lands and hereditaments, in the parish of *Clebonger*, in the county of *Hereford*, and which are now subject to the trusts of the will of the late *John Smith* esquire, in exchange for other lands in the same county, of greater value, to be conveyed to, and held by them respectively, upon the trusts of the said will of the said *John Smith*.

56. An act for dividing and allotting the open and common lands and grounds within the several parishes of *Foffont*, *Swallowclift*, *Ebesborne*, *Wake*, *Broadchalk*, *Bowerchalk*, *Alvedeston*, *Bishopston*, and *Fisfield*, in the county of *Wilts*.

57. An act for dividing and inclosing the open arable fields, ings, or pasture grounds, and common, within the township of *Kilnwick*, in the parish of *Kilnwick*, in the east riding of the county of *York*.

58. An act to dissolve the marriage of *John Inglis* esquire, with *Ann Stewart* his now wife, and to enable him to marry again, and for other purposes therein mentioned.

59. An act to enable *John Schrieber* esquire, and the heirs of his body, to take and use the surname and arms of *Lateward*.

60. An act for naturalizing *Charles Imhoff*.

61. An act for naturalizing *Hermann Graumann*.

The END of the TABLES.

STATE OF NEW YORK

IN SENATE
January 10, 1906
REPORT
OF THE
COMMISSIONERS OF THE LAND OFFICE
IN ANSWER TO A RESOLUTION PASSED BY THE SENATE
MAY 11, 1905
ALBANY: J. B. LIPPINCOTT COMPANY, PRINTERS.
1906.

A
T A B L E
OF THE
S T A T U T E S
P U B L I C K and P R I V A T E,

Passed *Anno vicefimo sexto*

GEORGII III. *Regis:*

Being the Third Session of the Sixteenth Parliament of
Great Britain.

P U B L I C K A C T S.

Cap. 1. **F**OR confining, for a limited time, the trade between the ports of the United States of *America*, and his Majesty's subjects in the island of *Newfoundland*, to bread, flour, *Indian* corn, and live stock, to be imported in none but *British*-built ships, actually belonging to *British* subjects, and navigated according to law, clearing out from the ports of his Majesty's *European* dominions, and furnished with a licence according to the form hereunto annexed.

Cap. 2. To continue an act, made in the last session of parliament intituled, *An act to prohibit, for a limited time, the exportation of hay.*

Cap. 3. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and eighty-six.

Cap. 4. For further continuing, for a limited time, an act made in the twenty-third year of the reign of his present Majesty, intituled, *An act for preventing certain instruments from being required from ships belonging to the United States of America; and to give to his Majesty, for a limited time, certain powers*

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for the better carrying on trade and commerce between the subjects of his Majesty's dominions and the inhabitants of the said United States; and for further continuing, for a limited time, an act made in the twenty-fourth year of the reign of his present Majesty, intituled, *An act to extend the powers of an act made in the twenty-third year of his present Majesty, for giving his Majesty certain powers for the better carrying on trade and commerce between the subjects of his Majesty's dominions, and the inhabitants of the United States of America, to the trade and commerce of this kingdom with the British colonies and plantations in America, with respect to certain articles therein mentioned.*

Cap. 5. To regulate the exportation of hops to *Ireland*.

Cap. 6. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and eighty-six.

Cap. 7. For the regulation of his Majesty's marine forces while on shore.

Cap. 8. To enable the persons therein named to provide proper places on shore for the reception of the crew of the *Voorberg Dutch East Indiaman*, forced by stress of weather into the port of *Dartmouth*.

Cap. 9. To explain and amend an act of the last session of parliament, intituled, *An act for granting to his Majesty certain duties on shops within Great Britain*; for repealing several of the duties granted by the said act, and for granting other duties in lieu thereof.

Cap. 10. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 11. For enlarging the term of several acts of parliament, for the repair of *Dover* harbour.

Cap. 12. For opening, making, widening, and altering certain streets, passages, and places within the town of *Liverpool*, in the county palatine of *Lancaster*; for supplying the said town with fresh and wholesome water; for removing and preventing nuisances and annoyances therein; for appointing additional market places, and for extending so much of the powers of an act of the second year of his present Majesty, as relates to hackney coachmen, chairmen, carters, and porters, to a certain distance beyond the liberties of the said town.

Cap. 13. To continue and render more effectual so much of an act, passed in the twenty-seventh year of the reign of his late majesty King *George* the Second, as imposes a duty on ships and vessels anchoring in the harbour of *Alloa*, in the county of *Clackmannan*, for repairing the pier of the said harbour.

Cap. 14. To prevent frauds and abuses in the admeasurement of coals, sold by wharf measure, within the several parishes lying between *Putney* and *Rotherhithe*, both inclusive, in the county of *Surrey*.

Cap. 15. For augmenting and ascertaining the income of the rectors of the parish church and parochial chapel of *Liverpool*.

Cap. 16. To explain and amend certain provisions of an act,
made

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made in the twenty-fourth year of the reign of his present Majesty, respecting the better regulation and management of the affairs of the *East India* company.

Cap. 17. For paving, repairing, cleansing, lighting, and watching the streets, lanes, ways, passages, and places, within the town of *Tewkesbury*, and the precincts thereof, in the county of *Gloucester*; for the removal of present, and prevention of future, encroachments, nuisances, and annoyances therein; for regulating carts and other carriages, and ascertaining the rates of carriage; and for widening some part of the street called *Church Street*, within the said town.

Cap. 18. For the more easy and speedy recovery of small debts within the town and borough of *Deal*, and the parishes of *Ripple*, *Sutton*, *Northbourn*, *Great Mongeham*, *Little Mongeham*, *Tilmanstone*, *Betsbanger*, *Ham*, and *Sholden*, in the county of *Kent*.

Cap. 19. To amend and render more effectual two acts, made in the sixth year of the reign of *Queen Anne*, and the thirty-second year of the reign of his late majesty *King George the Second*, for erecting a workhouse in the town and borough of *Plymouth*, in the county of *Devon*; and for setting the poor on work, and maintaining them there; and for obliging the mayor and commonalty of *Plymouth* to contribute towards the county rates of *Devon*; and for applying for the relief of the poor in the said workhouse, certain surplus monies which have formerly arisen by the assessment for raising the land tax in the said town; and for granting further power to the guardians of the poor of the town of *Plymouth*, in the county of *Devon*.

Cap. 20. To amend, and render effectual, two acts, of the ninth and fifteenth years of his present Majesty, for making and maintaining a navigable canal from the *Coventry* canal navigation to the city of *Oxford*.

Cap. 21. For repairing the highways and bridges in the county of *Dumbarton*.

Cap. 22. For the more easy and speedy recovery of small debts within the town and port of *Sandwich*, and vill of *Ramsgate*, and the parishes of *Minster* and *Saint Lawrence*, in the *Isle of Thanet*, *Walmer Ash* next *Sandwich*, *Eastry*, *Wingham*, *Staple*, *Goodnestone* next *Wingham*, *Chillenden*, *Nonnington*, *Woodnesborough* otherwise *Winiborow*, *Eythorne*, *Word* otherwise *Worth*, *Elmestone*, *Preston* next *Wingham*, *Ickham*, and *Wickhambreux*, in the county of *Kent*.

Cap. 23. For the appointment of an additional overseer for the better government of the poor of the parish of *Westbury*, in the county of *Wilts*.

Cap. 24. For building a new gaol and house of correction for the county of *Salop*, and the several boroughs, towns corporate, liberties, franchises, and places within the same; and for explaining and amending an act made in the twenty-third year of his present Majesty, intituled, *An act for building a new shire hall and guildhall for the county of Salop and the town of Shrewsbury*,

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bury, in the said county; and for the other purposes therein mentioned.

Cap. 25. For obviating all doubts which have arisen, or might arise, with respect to the exclusive power of the court of directors of the *East India* company to nominate and appoint the governor general and council of the presidency of *Fort William* in *Bengal*.

Cap. 26. To amend and render more effectual the several laws now in force for encouraging the fisheries carried on at *Newfoundland*, and parts adjacent, from *Great Britain*, *Ireland*, and the *British* dominions in *Europe*; and for granting bounties, for a limited time, on certain terms and conditions.

Cap. 27. For authorising the lord chief baron, and remanent barons of the court of exchequer in *Scotland*, out of the unappropriated money arising from the forfeited and lately annexed estates in *Scotland*, to pay a certain sum to the society in *Scotland* for propagating christian knowledge, for the purposes, and under the conditions therein mentioned.

Cap. 28. For providing a proper workhouse, and better regulating the poor, within the parish of *Romford*, in the liberty of *Hevering Atte Bower*, in the county of *Essex*.

Cap. 29. To enable his Majesty to licence a playhouse within the town and port of *Margate*, in the isle of *Thanet*, in the county of *Kent*, under certain restrictions therein limited.

Cap. 30. To enable the company of proprietors of the *Coventry* canal navigation to complete the said canal to *Fradley Heath* in the county of *Stafford*; and for other purposes therein mentioned.

Cap. 31. For vesting certain sums in commissioners, at the end of every quarter of a year, to be by them applied to the reduction of the national debt.

Cap. 32. For raising a certain sum of money by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty-six.

Cap. 33. For raising a further sum of money, by loans or exchequer bills, for the service of the year one thousand seven hundred and eighty-six.

Cap. 34. For altering the days of payment of the long annuities, and annuities for thirty and twenty-nine years.

Cap. 35. To explain, amend, and render more effectual, an act, made in the last session of parliament, intituled, *An act to explain, amend, and render more effectual, an act, passed in the twenty-third year of his present Majesty's reign, intituled, "An act for authorising the treasurer of the navy to pay to the garrison and naval department at Gibraltar, the like bounty for destroying certain Spanish ships of war, as is allowed to the officers and men on board any of his Majesty's ships of war taking or destroying ships of war belonging to the enemy."*

Cap. 36. To explain an act, made in the last session of parliament, with respect to the allowances to be made for waste on the exportation of white salt and rock salt to the *Ile of Man*; for

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for limiting the quantity of *British* refined sugar to be exported to the *Isle of Man*; and for repealing so much of an act, made in the seventh year of the reign of his present Majesty, intituled, *An act for encouraging and regulating the trade and manufacture of the Isle of Man; and for the more easy supply of the inhabitants there with a certain quantity of wheat, barley, oats, meal, and flour, authorised by an act made in this session to be transported to the said island*, as relates to permitting any person to import into the *Isle of Man* fish from any place whatever, except from *Great Britain*, without payment of any custom or other duty whatsoever.

Cap. 37. For laying a toll upon all horses and carriages passing on a *Sunday* over *Blackfriars Bridge*, and for applying the money to arise thereby towards increasing the fund for watching, lighting, cleansing, watering, and repairing the said bridge.

Cap. 38. For regulating the time of the imprisonment of debtors imprisoned by process from courts instituted for the recovery of small debts; for abolishing the claim of fees of gaolers, and others, in the cases of such imprisonment; and for ascertaining the qualifications of the commissioners.

Cap. 39. For widening, enlarging, and cleansing the streets, lanes, and other publick places, and for opening new streets, markets, and passages, within the town of *Newcastle upon Tyne*, and the liberties thereof, and for removing and preventing annoyances therein; and for regulating the publick markets, and common stage waggons, drays, and carts, carrying goods for hire.

Cap. 40. For regulating the production of manifests, and for more effectually preventing fraudulent practices in obtaining bounties and drawbacks, and in the clandestine relanding of goods.

Cap. 41. For the further support and encouragement of the fisheries carried on in the *Greenland* seas and *Davis's Streights*.

Cap. 42. For granting to his Majesty an additional duty upon battens and deals imported into *Great Britain*.

Cap. 43. To continue and render more effectual an act passed in the twenty-first year of his Majesty's reign, for the encouragement of the growth of hemp and flax, in that part of *Great Britain* called *England*.

Cap. 44. For the further relief of debtors, with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the act, to make discovery of, and deliver upon oath, their estates for their creditors benefit.

Cap. 45. To continue and amend an act, made in the twenty-fifth year of the reign of his present Majesty, for the encouragement of the pilchard fishery, by allowing a further bounty upon pilchards taken, cured, and exported.

Cap. 46. For augmenting and fixing the salaries of the lords of

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of session, lords commissioners of judiciary, and barons of exchequer, in that part of *Great Britain* called *Scotland*.

Cap. 47. For discharging the payment of sentence money, and other fees of court, to the judge of the court of admiralty in that part of *Great Britain* called *Scotland*, and the payment of sentence money to the judges of the commissary court in *Edinburgh*; for granting salaries to the judges of the said courts in lieu thereof; and for regulating the nomination of the said judges.

Cap. 48. For granting to his Majesty certain duties on stamped vellum, parchment, and paper, within that part of *Great Britain* called *Scotland*, to replace to the revenue the sums granted out of the same, in this session of parliament, towards the augmentation of the salaries of the judges of the courts of session, judiciary, exchequer, and admiralty court in *Scotland*, and commissary court of *Edinburgh*.

Cap. 49. For granting to his Majesty certain stamp duties on perfumery, hair powder, and other articles therein mentioned; and on licences to be taken out by persons uttering or vending the same.

Cap. 50. For the encouragement of the southern whale fishery.

Cap. 51. For better securing the duties on starch, and for preventing frauds on the said duties.

Cap. 52. For the more effectually preventing the fraudulent removal of tobacco, and for the ease of the fair trader; for discontinuing the discount upon payment on bonds before due, and establishing the duty to be paid upon tobacco of the growth of the *British* plantations, and the United States of *America*.

Cap. 53. To continue several laws relating to the giving further encouragement to the importation of naval stores from the *British* colonies in *America*; to the allowance upon the exportation of *British* made gunpowder; to the further encouraging the manufacture of *British* sail cloth; and to the duties payable on foreign sail cloth; to the granting liberty to carry sugars of the growth, produce, or manufacture of any of his Majesty's sugar colonies, directly to foreign parts, in ships built in *Great Britain*, and navigated according to law; to the importing salt from *Europe* into the province of *Quebec* in *America*; to the discontinuing the duties payable upon the importation of tallow, hogs lard, and grease; to the permitting the free importation of raw goat skins into this kingdom; to the repealing the duties upon pot and pearl ashes, wood and weed ashes, imported into *Great Britain*, and for granting other duties in lieu thereof; to the registering the prices at which corn is sold in the several counties of *Great Britain*, and the quantity exported and imported; and to the effectually encouraging the manufactures of flax and cotton in *Great Britain*; and to revive and continue several laws relating to the allowing a drawback of the duties on rum, shipped as stores, to be consumed on board merchant ships on their voyages; and

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and to the granting a bounty upon the importation of hemp and rough and undressed flax from his Majesty's colonies in *America*.

Cap. 54. For continuing the salaries and profits of the commissioners, clerks, and other officers of the stamp office rateable to the land tax, in *Shire Lane* ward, within the division of *Saint Clement Danes* and *Saint Mary le Strand*, in the liberty of *Westminster*, notwithstanding the said office should be removed into any other division or place.

Cap. 55. To enable the justices of the peace for the county of *Middlesex* to raise money, in manner therein mentioned, for erecting a house of correction within the said county.

Cap. 56. For obliging overseers of the poor to make returns, upon oath, to certain questions specified therein, relative to the state of the poor.

Cap. 57. For the further regulation of the trial of persons accused of certain offences committed in the *East Indies*; for repealing so much of an act, made in the twenty-fourth year of the reign of his present Majesty, (intituled, *An act for the better regulation and management of the affairs of the East India company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies*), as requires the servants of the *East India* company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the *East Indies*; and for the more easy proof, in certain cases, of deeds and writings executed in *Great Britain* or *India*.

Cap. 58. For procuring, upon oath, returns of all charitable donations, for the benefit of poor persons, in the several parishes and places within that part of *Great Britain* called *England*.

Cap. 59. For repealing certain duties now payable on wines imported, and for granting new duties in lieu thereof, to be collected under the management of the commissioners of excise.

Cap. 60. For the further increase and encouragement of shipping and navigation.

Cap. 61. For granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty-six; and for further appropriating the supplies granted in this session of parliament.

Cap. 62. To enable the *East India* company to raise money by a sale of annuities, and by increasing their capital stock.

Cap. 63. For the further preventing frauds and abuses attending the payment of wages, prize money, and other allowances, due for the service of petty officers and seamen on board any of his Majesty's ships.

Cap. 64. To discontinue, for a limited time, the several duties payable in *Scotland* upon low wines and spirits, and upon worts, wash, and other liquors, there used in the distillation of spirits;

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spirits; and for granting to his Majesty other duties in lieu thereof.

Cap. 65. For granting to his Majesty a certain sum of money, to be raised by a lottery.

Cap. 66. For appointing commissioners further to enquire into the fees, gratuities, perquisites, and emoluments, which are, or have been lately, received in the several publick offices therein mentioned; to examine into any abuses which may exist in the same; and to report such observations as shall occur to them, for the better conducting and managing the business transacted in the said offices.

Cap. 67. For appointing and enabling commissioners further to examine, take, and state the publick accounts of the kingdom.

Cap. 68. For appointing commissioners further to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in *America*, in consequence of their loyalty to his Majesty, and attachment to the *British* government.

Cap. 69. For defraying the charge of the militia in that part of *Great Britain* called *England* for one year, beginning the twenty-fifth day of *March*, one thousand seven hundred and eighty-six.

Cap. 70. To rectify a mistake in an act made in this present session of parliament, intituled, *An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty-six; and for further appropriating the supplies granted in this session of parliament.*

Cap. 71. For regulating houses, and other places, kept for the purpose of slaughtering horses.

Cap. 72. For explaining and amending an act, made in the twenty-fourth year of the reign of his present Majesty, intituled, *An act for laying an additional duty on hackney coaches, and for explaining and amending several acts of parliament relating to hackney coaches.*

Cap. 73. To discontinue, for a limited time, the payment of the duties upon low wines and spirits for home consumption, and for granting and securing the due payment of other duties in lieu thereof; and for the better regulation of the making and vending *British* spirits; and for discontinuing, for a limited time, certain imposts and duties upon rum and spirits imported from the *West Indies*.

Cap. 74. For granting to his Majesty additional duties upon sweets, and for ascertaining the duties upon licences to be taken out by persons dealing in sweets.

Cap. 75. For appointing commissioners to enquire into the losses of all such persons who have suffered in their properties, in consequence of the cession of the province of *East Florida* to the King of *Spain*.

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Cap. 76. For repealing so much of two acts, passed in the fourteenth and twenty-first years of the reign of his present Majesty, as prohibits the exportation of wool cards of a limited price.

Cap. 77. To limit a time for the repayment of the duties on male servants and carriages by the commissioners of excise; and also on horses, waggons, wains, and carts, by the commissioners of stamps; and for the amendment of several laws relating to the duties under the management of the commissioners of excise.

Cap. 78. For better securing the duties on paper-printed, painted, or stained, in *Great Britain*.

Cap. 79. To explain, amend, and render more effectual, an act made in the last session of parliament, intituled, *An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps, respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred; and for making certain provisions respecting oaths to be administered by the commissioners for the duties on houses, and windows or lights, or any other duties put under their management.*

Cap. 80. For further continuing certain acts therein mentioned, relating to the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; and to the preventing the committing of frauds by bankrupts.

Cap. 81. For the more effectual encouragement of the *British* fisheries.

Cap. 82. For the more effectually carrying into execution the laws relating to the duties on stamped vellum, parchment, and paper; and for repealing certain stamp duties on policies for insuring property in any foreign kingdom or state from loss by fire.

Cap. 83. To explain and amend an act, passed in the seventh year of the reign of his present Majesty, *to prevent frauds and abuses in the admeasurement of coals, sold by wharf measure, within the city of London and the liberties thereof, and between Tower Dock and Limehouse Hole, in the county of Middlesex.*

Cap. 84. To empower the archbishop of *Canterbury*, or the archbishop of *York*, for the time being, to consecrate to the office of a bishop, persons being subjects or citizens of countries out of his Majesty's dominions.

Cap. 85. To revive, continue, and amend so much of an act, made in the sixth year of the reign of his present Majesty, intituled, *An act for allowing a bounty on the exportation of British made cordage, and for discontinuing the drawbacks upon foreign rough hemp exported*, as relates to allowing a bounty on the exportation of *British* made cordage.

Cap. 86. To explain and amend an act, made in the seventh year of his late Majesty's reign, intituled, *An act to settle how far*

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far owners of ships shall be answerable for the acts of the masters or mariners; and for giving a further relief to the owners of ships.

Cap. 87. For appointing commissioners to enquire into the state and condition of the woods, forests, and land revenues, belonging to the crown; and to sell or alienate fee-farm, and other unimproveable rents.

Cap. 88. For settling and securing a certain annuity for the use of lady *Maria Carlton*, wife of sir *Guy Carlton*, knight of the most honourable order of the Bath, and *Guy Carlton*, and *Thomas Carlton*, sons of the said sir *Guy Carlton*, in consideration of the eminent services performed by him to his Majesty, and this country.

Cap. 89. To explain, amend, and extend to other tools and utensils, an act, made in the twenty-fifth year of the reign of his present Majesty, intituled, *An act to prohibit the exportation to foreign parts of tools and utensils made use of in the iron and steel manufactures of this kingdom; and to prevent the seducing of artificers or workmen, employed in those manufactures, to go into parts beyond the seas.*

Cap. 90. For repealing so much of an act, passed in the twenty-second year of his present Majesty's reign, intituled, *An act for granting to his Majesty additional duties upon salt; and certain duties upon Glauber or Epsom salts; and also on mineral alkali, or flux for glass, made from salt; and to prevent frauds in the duties on foul salt to be used in manuring of lands*, as relates to the obtaining rock salt or salt rock, or brine, or sea water, for the purpose of making mineral alkali, or flux for glass, duty-free.

Cap. 91. For making perpetual an act, made in the fourteenth year of the reign of his present Majesty, intituled, *An act for regulating mad-houses.*

Cap. 92. To continue, for a limited time, an act made in the twenty-fourth year of the reign of his present majesty King *George the Third*, to explain, amend, and render more effectual, an act made in the thirtieth year of the reign of his late majesty King *George the Second*, intituled, "*An act for the more effectual punishment of persons who shall attain, or attempt to attain, possession of goods or money, by false or untrue pretences; for preventing the unlawful pawning of goods; for the easy redemption of goods pawned; and for preventing gaming in public houses by journeymen, labourers, servants, and apprentices,*" so far as the same relates to the preventing the unlawful pawning of goods, and for the easy redemption of goods pawned.

Cap. 93. To enable his Majesty to grant a certain annuity to *Brook Watson* esquire, late commissary general in *North America*, in consideration of his diligent and meritorious services in that office.

Cap. 94. For making compensation to the proprietors of such lands and hereditaments as have been purchased for the more safe and convenient carrying on his Majesty's gunpowder works and mills, near the town of *Faverham*; and for the better securing his Majesty's docks, ships, and stores, at *Portsmouth* and *Plymouth*,

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Plymouth, in pursuance of acts of parliament made in the twenty-third and twenty-fourth years of his present Majesty's reign; and for other purposes therein mentioned.

Cap. 95. For enlarging the times appointed for the first meetings of commissioners, and other persons, for putting in execution certain acts of this session of parliament.

Cap. 96. To provide that the proceedings now depending in the house of commons upon articles of charge of high crimes and misdemeanors, which have been exhibited against *Warren Hastings* esquire, late governor general of *Fort William* in *Bengal*, shall not be discontinued by any prorogation or dissolution of parliament.

Cap. 97. For raising a further sum of money, by exchequer bills, for the service of the year one thousand seven hundred and eighty-six.

Cap. 98. To indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers, in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors.

Cap. 99. To ascertain the fees to be taken by the officers of the receipt of his Majesty's exchequer, on the issues of money which have been made, and shall hereafter be made, for the payment of certain pensions at the receipt of his Majesty's exchequer.

Cap. 100. To prevent occasional inhabitants from voting in the election of members to serve in parliament, for cities and boroughs, in that part of *Great Britain* called *England*, and the dominion of *Wales*.

Cap. 101. For erecting certain light-houses in the northern parts of *Great Britain*.

Cap. 102. For enlarging the term and powers of an act, passed in the fifth year of his present Majesty's reign, for *impowering the commissioners for putting in execution the several acts passed for paving, cleansing, and lighting the squares, streets, and lanes, within the city and liberty of Westminster, and parts adjacent, to collect certain tolls on Sundays upon the several roads therein mentioned, and apply the same for the purposes of the said acts.*

Cap. 103. For assessing the commissioners, clerks, and other officers of the office for victualling his Majesty's navy, for their salaries, and the profits of their respective offices, to the land tax, in the manor of *East Smithfield*, in the *Tower Division*, in the county of *Middlesex*, notwithstanding the removal of the said office into any other division or place,

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Cap. 104. For allowing a drawback of the duties upon coals used in smelting copper and lead ores, and in fire engines for draining water out of the copper and lead mines within the *Isle of Anglesey*.

Cap. 105. For continuing the salaries and profits of the commissioners, clerks, and other officers of the pay office and navy office respectively, rateably to the land tax, in the wards of *Broad Street* and *Tower*, within the city of *London*, notwithstanding the said offices should be removed into any other division or place.

Cap. 106. For incorporating certain persons therein named, by the name and stile of *The British Society for extending the fisheries, and improving the sea coasts of this kingdom*, and to enable them, when incorporated, to subscribe a joint stock, and therewith to purchase lands, and build thereon free towns, villages, and fishing stations, in the highlands and islands in that part of *Great Britain* called *Scotland*; and for other purposes.

Cap. 107. For amending, and reducing into one act of parliament, the laws relating to the militia, in that part of *Great Britain* called *England*.

Cap. 108. For explaining, amending, and reducing into one act of parliament, the several acts passed for more effectually preventing the frauds and abuses committed in the admeasurement of coals within the city and liberty of *Westminster*, and that part of the duchy of *Lancaster* adjoining thereto, and the several parishes of *Saint Giles in the Fields*, *Saint Mary le Bon*, and such part of the parish of *Saint Andrew Holborn*, as lies in the county of *Middlesex*.

Cap. 109. For incorporating the members of a society to be called *The Clyde Marine Society*; for the better empowering and enabling them to carry on their charitable and useful designs; and for levying certain duties from shipmasters and others, for that purpose.

Cap. 110. For supplying *North Shields*, and the shipping resorting thereto, with water.

Cap. 111. To amend and render more effectual an act, made in the thirty-third year of the reign of his late majesty King *George the Second*, for rebuilding, widening, and enlarging the bridge over the river *Avon*, in the city of *Bristol*, and erecting a temporary bridge adjoining; and for widening the streets, lanes, ways, and passages leading thereto; and for building another bridge over some other part of the said river, within the said city (if necessary); and for opening proper ways and passages thereto; and for making a way from the bridge already built to *Temple Street*, in the said city.

Cap. 112. For raising a competent sum of money to defray the expence of a proper number of watchmen, patrols, and beadles, within the parishes of *Saint Margaret* and *Saint John the Evangelist*, in the city of *Westminster*.

Cap. 113. For widening several streets in the city of *Edinburgh*; for opening a communication from *Queen's Street* to *Broughton*

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Broughton Loan; for enlarging the burial ground; and for extending the royalty of the said city over part of the lands of *Broughton*.

Cap. 114. For ascertaining and collecting the poor's rates, and for better governing, regulating, maintaining, and employing the poor, in the parish of *Saint John Southwark*, in the county of *Surrey*.

Cap. 115. For providing a proper workhouse, and better regulating the poor, within the parish of *Barking*, in the county of *Essex*; and for regulating the common wharf within the town of *Barking*.

Cap. 116. For paving the footways and passages in the town of *Cheltenham*, in the county of *Gloucester*; and for better cleansing and lighting the said town; for taking down certain old buildings now standing therein; and for removing and preventing other encroachments, nuisances, and annoyances.

Cap. 117. For pulling down and rebuilding the church of *All Saints* in the town of *Newcastle upon Tyne*, and for enlarging the church-yard, and making convenient avenues and passages thereto.

Cap. 118. For the more easy and speedy recovery of small debts within the town and port of *Folkestone*, and the parishes of *Folkestone*, *Cheriton*, *Newington next Hithe*, *Stanford*, *Postling*, *Lyminge*, *Elbam*, *Paddlesworth*, *Acris*, *Swingfield*, and *Hawkinge*, in the county of *Kent*.

Cap. 119. For paving, repairing, cleansing, lighting, and watching, the streets, lanes, ways, passages, and places, within the borough of *Newport*, in *The Isle of Wight*; and for the removal of present, and prevention of future, encroachments, nuisances, and annoyances therein.

Cap. 120. For paving, cleansing, lighting, and watching the streets, lanes, and other publick passages and places, within the manor of *Southwark*, otherwise called *The Clink*, or *Bishop of Winchester's Liberty*, in the parish of *Saint Saviour, Southwark*, in the county of *Surrey*; for the removal of present, and preventing of future encroachments, nuisances, and annoyances therein; for laying out two new streets, and widening and regulating several other of the streets and passages within the said liberty; for discontinuing the passage through *Globe Alley*; and for shutting up in the night time the way leading from *Clink Street*, in the said liberty, to the river side.

Cap. 121. For appointing commissioners for putting in execution an act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and eighty-six*.

PUBLICK ACTS not printed in this COLLECTION.

Cap. 122. For continuing the term of an act, made in the sixth year of his present Majesty, *for amending, widening, altering,*

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ing, clearing, and keeping in repair, several roads leading from the market cross, in the town of Wareham, and in Purbeck, in the county of Dorset.

Cap. 123. For enlarging the term and powers of an act of the fifth year of his present Majesty, *for repairing, widening, and keeping in repair, several roads leading to and from Crewkerne, in the county of Somerset.*

Cap. 124. To enlarge the term and powers of an act, passed in the sixth year of the reign of his present Majesty, *for repairing, widening, and keeping in repair, the road leading from Cromford Bridge, in the county of Derby, to the turnpike road at or near Langley Mill, in the said county.*

Cap. 125. For enlarging the term and powers of an act, made in the fourth year of the reign of his present majesty King George the Third, *for repairing and widening the road from Workfop, in the county of Nottingham, through the towns of Gateforth, Anstion, Aston, Handsworth, and Darnall, to the north-east end of Attercliffe, in the county of York, where the same joins the turnpike road from Bawtry to Sheffield.*

Cap. 126. For more effectually repairing the road from *Liverpool to Preston, in the county of Lancaster.*

Cap. 127. For continuing the term, and altering and enlarging the powers of an act, of the fifth year of his present Majesty, *for repairing and widening the roads from The Little Bridge, over the end of the drain next Wisbeach River, lying between Roper's Fields and The Bell Inn, in Wisbeach, in the Isle of Ely, to the sign of The Bear, in Walsoken, in the county of Norfolk; and from Walsoken Bridge, lying over the same drain, to the said sign of The Bear, and to Lord's Bridge, in Illington; and from thence to the west ends of Maudlin Bridge and German's Bridge, in the county of Norfolk; and from the east end of German's Bridge aforesaid, to the west end of Long Bridge, in South Lynn, in the borough of King's Lynn, in the said county of Norfolk; and from Illington aforesaid, to Cross Keys Wash, in the said county.*

Cap. 128. For continuing the term, and altering and enlarging the powers, of an act, passed in the fifth year of the reign of his present Majesty, *for repairing, widening, and keeping in repair, several roads in and near Great Torrington, in the county of Devon.*

Cap. 129. To enlarge the term and powers of an act, made in the ninth year of the reign of his present majesty King George the Third, *for repairing and widening several roads leading to and through the borough of Bodmin in the county of Cornwall.*

Cap. 130. For more effectually repairing the road from *The Black Bull Inn, in Dunstable, in the county of Bedford, to the way turning out of the said road up to Shefford House, in the county of Hertford.*

Cap. 131. For making, widening, and keeping in repair, certain roads in the several parishes of *Lambeth, Newington, Saint George Southwark, Bermondsey, and Christ Church, in the county of Surrey; and for watching and lighting the said roads.*

Cap. 132.

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Cap. 132. For enlarging the term of two acts, of the fifth and ninth years of his present Majesty, so far as the same relate to the repairing of the roads from *Wat's Cross* to *Cowden*, and from *Sevenoakes Common* to *Crockhurst Hatch Corner*, and from *Penhurst town* to *Southborough*, in the county of *Kent*.

Cap. 133. To enlarge the term and powers of two acts, made in the fifth and seventh years of his present Majesty, for repairing certain roads therein mentioned, leading from *Chatteris Ferry* to the town of *Wisbech Saint Peter's*, in the *Isle of Ely*, and other places in the said acts mentioned.

Cap. 134. For enlarging the term of an act of the fifth year of his present Majesty, for repairing and widening the roads leading from the turnpike road at *Kipping's Cross*, in the parish of *Brenchley*, in the county of *Kent*, through the parishes of *Brenchley*, *Horsmonden*, and *Goudhurst*, by the left hand side of *Iden Green*, to the turnpike road on *Wilsley Green*, in the parish of *Cranbrooke*; and from a place near *Goudhurst Gore*, through the parish of *Marden*, to *Stile Bridge*, in the said parish; and from *Underden Green*, in *Marden* aforesaid, to *Wanlthutt's Green*, in the county of *Kent*.

Cap. 135. For amending and widening several roads leading from and through the town of *Wiveliscombe*, in the county of *Somerset*, and other roads adjoining or near thereto.

Cap. 136. For continuing the term, and altering and enlarging the powers of an act, passed in the fifth year of his present Majesty's reign, for repairing and widening several roads leading from the port town and borough of *Minehead*, and from *Dunster* and *Watchet*, in the county of *Somerset*.

Cap. 137. For enlarging the term and powers of an act, passed in the fifth year of the reign of his present Majesty, intituled, *An act for repairing and widening the road from Great Grimsby Haven*, at or near a place called *The Upper Sand End*, to *Wold Newton Church*, and from *Nuns Farm* to *The Mill Field*, in the parish of *Irby*, in the county of *Lincoln*.

Cap. 138. For enlarging the term and powers of an act, made in the sixth year of the reign of his present majesty King *George the Third*, and also of two acts, made, one in the twelfth year of the reign of King *George the First*, and the other in the twelfth year of the reign of King *George the Second*, so far as the said two acts relate to the road from *Spiritgate Hill* to *Foston Bridge*, in the county of *Lincoln*.

Cap. 139. For amending, widening, and keeping in repair, the road from *Flookerbrook Bridge*, within the township of *Newton*, near *Chester*, to the south end of *Wilderspool Causeway*, and from the market town of *Frodsham* to *Abbin Lane End*, in the township of *Abbin*, in the county of *Chester*.

Cap. 140. For continuing and amending an act of the fifth year of his present Majesty, for amending and widening the road from the sign of the *Coach and Horses* in *Birstall*, to the turnpike road at *Nunbrook*, and from *Bradley Lane* to the town of *Huddersfield*, in the west riding of the county of *York*.

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Cap. 141. For enlarging the term and powers of so much of an act, passed in the fifth year of the reign of his present majesty King George the Third, intituled, *An act for repairing and widening the roads from Bawtry Bridge, in the county of Nottingham, to Hainton, in the county of Lincoln; and from North Willingham, to the north end of the lane betwixt Dexthorpe and Langton; and from West Raisin to Pilford Bridge; and from the great road near Bishop Bridge to Bishop Norton Common; and from the hamlet of Morton to Epworth; and from Hexey Field to the Trent, at Kinnald Ferry, in the said county of Lincoln, as relates to the first and second districts of roads, therein described.*

Cap. 142. For enlarging the term and powers of an act, passed in the fifth year of the reign of his present Majesty, for amending and widening the road, from the north end of Old Malton Gate, in the town and borough of New Malton, to the town of Pickering, in the county of York.

Cap. 143. To continue the term of two acts, made in the thirteenth and twenty-seventh years of the reign of his late majesty King George the Second, for repairing the road between Hockliffe, in the county of Bedford, and Stony Stratford, in the county of Buckingham.

Cap. 144. For continuing the term, and altering and enlarging the powers, of an act, passed in the fifth year of the reign of his present Majesty, for amending and widening the road from the city of York, by Grimston Smithy, to Kexby Bridge, and from Grimston Smithy aforesaid to a certain gate at the upper end of Garraby Hill, in the county of York.

Cap. 145. For continuing the term of an act, of the seventh year of his present Majesty, for repairing and widening the road leading from the turnpike road in the town of Tenterden, to and over Bull Green, and to and through the town of Great Chart, to a house known by the sign of the Castle, at the entrance of the town of Ashford, in the county of Kent; and also the road leading from Bull Green aforesaid to Hothfield Heath; and also the road leading from Bull Green aforesaid, through High Halden, to Dashmanden, in the parish of Biddenden, in the said county of Kent.

Cap. 146. For enlarging the term and powers of an act, passed in the fifth year of his present Majesty's reign, intituled, *An act for repairing and widening the road from Barton Waterfide House to Riseham Hedge Corner, and several other roads in the county of Lincoln therein mentioned; and for repairing and widening the road from the Old Bridge, in the town of Brigg, in the said county, to Wrawby Bar and Bigby Bar, in the said town; and also the road from the end of the said turnpike road at Caistor, in the said county of Lincoln, to the South Gate, in the said town of Caistor.*

Cap. 147. To enlarge the term and powers of two acts, made in the fourth year of the reign of King George the Second, and the sixth year of the reign of his present Majesty, for repairing the road

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road from Godstone, in the county of Surrey, to Highgate, in the parish of East Grinstead, in the county of Suffex.

Cap. 148. For enlarging the term and powers of an act, passed in the fifth year of his present Majesty's reign, for repairing, widening, and keeping in repair, the road from Welford Bridge, in the county of Northampton, through Husband's Bosworth and Great Wigton, to Millston Lane, in the town of Leicester.

Cap. 149. For enlarging the term and powers of an act, made in the sixth year of the reign of his present majesty King George the Third, intituled, *An act for repairing and widening the roads from Brimington and Chesterfield, in the county of Derby, over the High Moors, to the several places therein mentioned.*

Cap. 150. For continuing the term, and altering the powers, of an act of the fifth year of his present Majesty, for repairing, widening, and keeping in repair, several roads leading from Kidwelly, in the county of Carmarthen, and also several roads leading from Llandilo, in the said county, so far as relates to the Llandilo district of the said roads, and for amending and keeping in repair several other roads in the said county.

Cap. 151. For making, repairing, and widening the road from Heage, in the county of Derby, through Alfreton, to Tibshelf, in the same county, and also a branch from the same road, at or near Shirland Lodge, to Highbam, in the same county.

Cap. 152. For enlarging the term and powers of two acts, made in the twelfth and thirty-first years of King George the Second, for repairing the road from Chesterfield, in the county of Derby, to Worksoy, in the county of Nottingham, and other roads therein mentioned, so far as the same relate to the road from Chesterfield to Worksoy.

Cap. 153. For enlarging the term and powers of an act, made in the sixth year of the reign of his present Majesty, for repairing and widening the road leading from the bottom of Church Lane, in the town of Newcastle under Lyne, in the county of Stafford, to the turnpike road leading from Woor to Chester, near the town of Namptwich, in the county of Chester, and from Chesterton, through Audley and Balterley, to Ghorsty Hill.

Cap. 154. For enlarging the term and powers of two acts, passed in the fifth and sixth years of the reign of his present Majesty, for repairing and widening the road from Tonbridge, to Maidstone, and from Wat's Cross to Cowden, in the county of Kent, so far as the same relate to the road from Tonbridge to Maidstone.

Cap. 155. To enlarge the term and powers of an act, passed in the twenty-fourth year of the reign of his late majesty King George the Second, so far as relates to the road from Selby, to Leeds, in the west riding of the county of York.

Cap. 156. To enlarge the term and alter the powers of an act, made in the fifth year of the reign of his present Majesty, for repairing and widening several roads leading from the quay at Lymington, in the county of Southampton.

Cap. 157. For enlarging the term and powers of an act of the

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the fifth year of his present Majesty, for repairing and widening the road leading from the town of Wadhurst, in the county of Suffex, to the turnpike road at Lamberhurst Pound and Pullen's Hill, in the county of Kent; and from the top of Pullen's Hill, through the parishes of Horsmonden, Marden, Yalden, and West Farley, to West Farley Street, in the said county of Kent.

Cap. 158. To continue the term and powers of an act, made in the fifth year of the reign of his present Majesty, so far as the same relates to the repairing and widening the road leading from the river at Swatbling, through Botley, to the turnpike road at Sherrill Heath, in the county of Southampton.

Cap. 159. For reviving, continuing, and enlarging the term and powers of an act, passed in the second year of the reign of his present Majesty, for repairing and widening the roads from a certain bridge called James Deeping Stone Bridge, to Peter's Gate, in Stamford, in the county of Lincoln, and from thence to the south end of the town of Morcot, in the county of Rutland.

Cap. 160. For more effectually repairing and keeping in repair, so much of the road from the town of Newcastle upon Tyne, to the city of Carlisle, as is within the county of Northumberland.

PRIVATE ACTS.

1. **A**N act for naturalizing *Louis Weltje* and *Alexander von Mayerbach*.
2. An act for naturalizing *Andreas Emmerich*.
3. An act for naturalizing *John Henry Christopherson*.
4. An act for naturalizing *John Henry Rougemont* and *Lewis Guy*.
5. An act for dividing and inclosing the commons and waste grounds within the borough or township of *Clitberoe*, in the county palatine of *Lancaster*.
6. An act to enable *Cornelius Salvidge*, (now called *Cornelius Tutton*), and the heirs of his body, to take the surname of *Tutton*, pursuant to the will of *Samuel Tutton* esquire, deceased.
7. An act for naturalizing *John Conrad Meyer*.
8. An act for naturalizing *John Peter Riuhard* and *George Christian Matthiessen*.
9. An act for naturalizing *Gustaf Hederstedt*.
10. An act to enable the right honourable *Francis* lord *Ducie*, and his issue, to take the surname of *Moreton*, and to bear and use the arms of honour of the right honourable *Matthew* lord *Ducie*, deceased, pursuant to the will of the said *Matthew* lord *Ducie*.
11. An act for vesting the settled estate of *Stephen Trefs*, in the county of *Suffex*, in trustees, to convey the same pursuant to an agreement for the sale thereof, and for laying out the money in the purchase of other lands and hereditaments, to be settled to the like uses.

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12. An act for dividing and inclosing certain common fields, common meadows, pastures, and other commonable lands, within the hamlet of *Shottery*, in the parish of *Old Stratford* otherwise *Stratford upon Avon*, in the county of *Warwick*.

13. An act for dividing and inclosing certain open and common fields, common meadows and pastures, and commonable or waste lands, within the parish of *Oddington*, in the county of *Gloucester*.

14. An act for dividing and inclosing several parcels of waste grounds within the manors of *Narberth*, *Templeton*, *Molleston*, and *Robestone Wathan*, in the parishes of *Narberth* and *Robestone Wathan*, in the county of *Pembroke*.

15. An act for dividing, inclosing, and allotting certain moors, commons, or waste lands, lying and being within the parish of *West Pennard*, in the county of *Somerset*.

16. An act to enable *George Tasburgh* esquire (lately called *George Crathorne*) and his heirs male, to take and bear the surname and arms of *Tasburgh* only, pursuant to the will, and also to a certain settlement made by *George Tasburgh* esquire, deceased.

17. An act for vesting part of the devised estate of *Robert Bishopp*, deceased, in the county of *Surrey*, in trustees, to be sold, and for laying out the money arising from the sale in the purchase of another estate, to be settled to the same uses.

18. An act to enable the vicar of the parish and parish church of *Sheffield*, in the county of *York*, to grant leases of the glebe land, and otherwise improve the estate belonging to the said vicarage.

19. An act for dividing and inclosing the several commons and waste grounds within the manors of *Crich* and *Southwingsfield*, in the county of *Derby*.

20. An act for dividing and inclosing the several common fields, common downs, common pastures, and other commonable places, in the several parishes of *Upper Wallop*, *Hurshourn Priors*, and *Tuiston*, in the county of *Southampton*.

21. An act for dividing and inclosing certain open and common fields, a common meadow and common pasture, and commonable lands, within the parish of *Bray*, in the county of *Berks*.

22. An act for dividing and inclosing the open fields, meadows, pastures, and other commonable lands and grounds, within the parish of *Titchwell*, in the county of *Norfolk*.

23. An act for dividing and inclosing the open and common fields, and all other commonable land, within the parish of *Harvington*, in the county of *Worcester*.

24. An act for dividing and inclosing the commons, common fields, wastes, and other commonable lands and grounds, within the manor and parish of *Methley*, in the county of *York*.

25. An act to effectuate and establish an exchange between the right honourable *Henry Frederick* lord *Carteret*, and his trustees, with the master, fellows, and scholars of the college of the lady

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Frances Sidney Suffex, in the university of *Cambridge*, of the advowson and right of patronage of and to the rectory of *Saint Mary Week* otherwise *Week Saint Mary*, in the county of *Cornwall*, for the advowson and right of patronage of and to the vicarage of *Wilshamstead* otherwise *Wilstead*, in the county of *Bedford*.

26. An act for vesting certain estates in the county of *Nottingham*, intailed by the will of the right honourable *Henry William Arundell* viscount *Galloway*, in trustees, to be sold, and for laying out the money arising therefrom in the purchase of estates situate in the west riding of the county of *York*, to be settled to the same uses.

27. An act for vesting part of the estates, in the town and county of *Southampton*, devised by the will of *Benjamin Barlow*, deceased, in trustees, to be sold; and for laying out the purchase money in another estate, to be settled, in lieu thereof, to the same uses.

28. An act for dividing and inclosing a common, and certain other open grounds, in the township and parish of *Moor Monkton*, in the county of the city of *York*.

29. An act for dividing and allotting certain commonable grounds, or waste woodlands, in the township of *Atherstone*, in the county of *Warwick*.

30. An act for dividing, inclosing, and exchanging the open fields and other lands and grounds within the parish of *Raveley*, in the county of *Huntingdon*.

31. An act for dividing and inclosing the several common pastures, commons, or waste grounds, within the parishes of *Sinnington with Marton* and *Edstone*, in the north riding of the county of *York*.

32. An act for dividing and inclosing the commons or waste lands within the manor of *Aston* otherwise *Aston Abbots*, in the county of *Salop*.

33. An act for vesting part of the settled estates of *Denys Rolle* and *John Rolle*, esquires, in trustees, upon trust, to sell the same, and to purchase estates contiguous to the principal estates of the said *Denys Rolle* and *John Rolle*, to be settled to the uses of the estates vested in trustees for sale.

34. An act for dividing and inclosing the several open fields, stinted pasture, ings, commons, waste lands, and grounds, in the townships of *Little Smeaton* and *Stubbs Walden*, in the parish of *Womersley*, in the west riding of the county of *York*.

35. An act for dividing and inclosing the several open fields, common meadows, common pastures, commons, and waste grounds, in the parish of *Weston upon Trent*, in the county of *Derby*.

36. An act for enabling the right honourable *Charles Philip* lord *Stourton*, and the right honourable *Mary* lady *Stourton*, his wife, the right honourable *Hugh* lord *Clifford*, and the right honourable *Appolonia* lady *Clifford*, his wife, and *Robert* *Butler* esquire, and the honourable *Elizabeth* *Butler*, his wife, to charge their

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their estates at *Holme*, in the east riding of the county of *York*, with a competent sum of money for the purpose of improving the same, and also to grant building and other leases of the said estates, and of their other estates in the counties of *York* and *Stafford*.

37. An act to enable the surviving parties to certain articles of agreement made previous to the marriage of the honourable *John Damer*, deceased, with the honourable *Ann Seymour Conway* (now *Ann Damer*, widow) to insert in the settlement to be executed in pursuance of the said articles proper powers for raising the sum of forty thousand pounds for the purposes in the said articles mentioned.

38. An act for rectifying mistakes in the marriage settlement of lord and lady *Camelford*, and for making a further provision for the younger children of the said marriage.

39. An act to resettle certain freehold and copyhold lands and hereditaments in the county of *Norfolk*, to the uses, and subject to the powers limited or expressed of and concerning the same, by the settlement made on the marriage of *William John Spearman Wasey* esquire, and *Elizabeth Honoria*, his wife.

40. An act for vesting the estate late of *John Shipton* esquire, deceased, in the county of *Warwick*, in trustees, to be sold and disposed of for the payment of his debts and certain of the legacies given by his will and codicil, and for laying out the residue of the money arising by such sale in the purchase of other estates, to be settled to the uses, and for the purposes, therein mentioned.

41. An act for vesting part of the settled estates of *Walter Stanhope* and *John Shuttleworth*, esquires, in the counties of *York* and *Derby*, in trustees, to be sold or exchanged, and for laying out the purchase money of the estates so to be sold, in other estates to be settled to the same uses, and for enabling the tenants for life to grant building and repairing leases, and for confirming the election made between the said parties respecting the said estates.

42. An act for effecting an exchange between *Rebecca Afsbeton* widow, and the right honourable *James* earl of *Salisbury*, of certain small parts of their estates in the county of *Herts*.

43. An act for vesting an undivided moiety (being the settled estate of *Samuel Williamson*, a lunatic) of and in certain lands in *Liverpool*, in the county of *Lancaster*, in trustees, to be sold, with the approbation of the court of chancery, and for laying out the money arising therefrom in the purchase of other estates, to be settled to the same uses.

44. An act for vesting part of the settled estates of *Richard Parry* esquire, in the county of *Denbigh*, in *North Wales*, in trustees, to be sold, and for applying the monies arising by such sale in discharging the incumbrances affecting the same and other estates of the said *Richard Parry*, and for substituting and settling another estate of greater value in lieu thereof.

45. An act for dividing and inclosing the open and common fields,

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fields, common meadows, common pastures, commonable lands, and waste grounds, in the manor and parish of *Broughton*, in the county of *Northampton*.

46. An act for dividing and inclosing the commons and waste grounds within the manor of *Huddersfield*, in the county of *York*.

47. An act for dividing and inclosing certain open and common fields, meadows, pastures, and waste lands, within the parish of *Canwick*, in the county of the city of *Lincoln*, and for separating, dividing, and appropriating, an open common called *Canwick*, or *The South Common*, adjoining thereto; and for extinguishing certain rights of common in and upon the same, and also in and upon the said open and common fields, meadows, pastures, and waste lands; and for making compensations in lieu thereof respectively.

48. An act for dividing and allotting the open and common fields, and other commonable lands and grounds, in the parish of *Berwick Saint John*, in the county of *Wilts*.

49. An act for vesting part of the estate of *Thomas Whicheot* esquire, deceased, in the county of *Lincoln*, in trustees, for sale, to pay off incumbrances affecting the same, and for other purposes therein mentioned.

50. An act to empower the guardians of *William Phillips Ingh* esquire, and of his sisters, to make or grant building and other leases during their respective minorities; and also to make exchanges of intermixed lands in or near the town of *Birmingham*, in the county of *Warwick*.

51. An act for vesting the estate comprized in the settlement made on the marriage of the reverend *Thomas Beaumont* clerk, deceased, in trustees, to sell the same, and apply the money to arise by such sale in the purchase of other lands or hereditaments, to be settled, in like manner, in lieu thereof.

52. An act for applying part of the trust fund which was given by the will of doctor *Ralph Freeman*, for repairing or rebuilding the vicarage house of the parish of *Barking*, in the county of *Essex*, in purchasing a convenient piece of ground in the said parish, and in building a new vicarage house thereon.

53. An act for dividing, allotting, and inclosing the open and common fields, common downs, common pastures, common meadows, waste lands, and other commonable places, within the parish of *Basingstoke*, in the county of *Southampton*.

54. An act for enabling the right honourable *Edmund* earl of *Cork* and *Orrery*, in the kingdom of *Ireland*, and baron *Boyle* of *Marston*, in *England*, to pull down the present parish church of *Barston Biggott* otherwise *Marston Bygood*, in the county of *Somerset*, and for building a new parish church there.

55. An act to enable *William Bamford* esquire, and the several other persons therein mentioned, to grant leases of certain parts of the settled estates, in the several counties of *Lancaster* and *Chester*, lately of or belonging to *Ann Bamford* spinster, deceased, upon the terms and restrictions therein mentioned.

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56. An act for vesting part of the settled estates of *John Rich* gentleman, and *Elizabeth* his wife, in the counties of *Leicester* and *Warwick*, in trustees, to be sold, and for applying the money arising therefrom in payment of incumbrances, under the direction of the court of chancery, and for laying out the surplus of such money in the purchase of other estates, to be settled to the same uses.

57. An act for dividing and inclosing certain commons, called *Belper Ward* and *Chevin Ward*, in the county of *Derby*, and certain waste lands within the liberties of *Duffield*, *Belper*, *Hazlewood*, and *Makeney*, within the parish of *Duffield*, in the said county of *Derby*.

58. An act for dividing, allotting, and inclosing the open common fields, common meadows, and pastures, and also a piece of common adjoining to *Chelworth Common*, all within the manors and tything of *Great* and *Little Chelworth*, or one of them, in the parish of *Cricklade Saint Sampson*, in the county of *Wilts*.

59. An act for vesting part of the devised estates of the right honourable *Thomas* lord *Foley*, deceased, in the county of *Worcester*, in *Samuel Skey* esquire, in fee simple, in exchange for another estate of equal value, and for effecting a sale of other part of the said devised estates to the said *Samuel Skey*, pursuant to an agreement made by the said lord *Foley* in his life time, and for investing the money arising from such sale in the purchase of other estates, under the direction of the court of chancery, to be settled, in lieu thereof, to the same uses.

60. An act for naturalizing *Albertine Marianne Trefusis*:

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THE
STATUTES at Large, &c.

Anno regni GEORGI II III. Regis, Magnæ Britanniae, Franciæ, & Hiberniæ, vicesimo quinto.

AT the parliament begun and holden at Westminster, the eighteenth day of May, Anno Domini 1784, in the twenty-fourth year of the reign of our sovereign lord GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued, by several prorogations, to the twenty-fifth day of January, 1785; being the second session of the sixteenth parliament of Great Britain.

C A P. I.

An act for confining, for a limited time, the trade between the ports of the United States of America, and his Majesty's subjects in the island of Newfoundland, to bread, flour, and live stock, to be imported in none but British-built ships, actually belonging to British subjects, and navigated according to law, clearing out from the ports of his Majesty's European dominions, and furnished with a licence according to the form hereunto annexed.

WHEREAS it is expedient to regulate, for a limited time, the trade between the ports of the United States of America and his Majesty's subjects in the island of Newfoundland: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, and during the continuance of the same, no goods or commodities land, Preamble.
Restrictions on the importation of goods into Newfoundland.

duties whatsoever shall be imported or brought into any port, harbour, or place, in the island of *Newfoundland*, or the adjacent islands to his Majesty belonging, from any place or country belonging to the United States of *America*, upon any pretence whatsoever, except bread, flour, and live stock, under the restrictions and regulations herein-after mentioned; any law, custom, or usage, to the contrary notwithstanding.

No bread, flour, or live stock, to be imported into Newfoundland from the United States of America, except in licensed British-built ships, &c.

II. And it is hereby further enacted by the authority aforesaid, That, from and after the passing of this act, and during the continuance of the same, no bread, flour, or live stock, shall be brought or imported, from any place or country belonging to the said United States of *America*, into any port, harbour, or place of the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, except in *British*-built ships, which shall actually and *bona fide* belong to and be wholly owned by *British* subjects, and navigated according to law, and which shall, within the space of seven months previous to the time of such importation, have cleared out from some port in *Great Britain*, or some other part of his Majesty's dominions in *Europe*, for which purpose a licence shall have been granted by the commissioners of his Majesty's customs in *England* or *Scotland*, or the commissioners of his Majesty's revenue in *Ireland*, or any other persons who may be duly authorised in that kingdom, respectively, in the manner and form herein-after mentioned; which licences shall continue and be in force for seven calendar months from the day of the date upon which they are respectively granted, and no longer.

Time for granting licences limited.

III. Provided always, and be it enacted, That no such licence shall be granted by virtue of this act after the thirtieth day of *June*, one thousand seven hundred and eighty-five.

Master of vessel to deliver licence to custom-house officer at port of discharge;

IV. And it is hereby further enacted by the authority aforesaid, That the master or person having the charge or command of any ship or vessel to whom such licence shall be granted shall, upon the arrival of the said ship or vessel at the port, harbour, or place in the island of *Newfoundland*, or the adjacent islands to his Majesty belonging, where he shall discharge such bread, flour, or live stock, deliver up the said licence to the collector or other proper officer of the customs there, having first endorsed upon the back of such licence the marks, numbers, and contents of each package of bread and flour, and the description and tale of each sort and species of live cattle, on forfeiture of one hundred pounds; and the collector, or other proper officer of the customs at *Newfoundland*, is hereby enjoined and required to give a certificate to the master or person having the charge or command of such ship or vessel, of his having received the said licence so endorsed as before directed, and to transmit the same to the commissioners of his Majesty's customs in *England* or *Scotland*, or to the commissioners of his Majesty's revenue in *Ireland*, respectively, by whom such licence was granted.

who shall give a certificate thereof, &c.

V. And it is hereby further enacted by the authority aforesaid,

said, That if any bread, flour, or live stock, shall be imported or brought from any place or country belonging to the said United States of *America*, into the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, without the licence by this act directed; or if any other goods or commodities whatsoever shall be imported or brought into the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, from any place or country belonging to the said United States of *America*, contrary to the true intent and meaning of this act, all such bread, flour, live stock, and other goods, together with the ship or vessel in which the same shall be so imported or brought, shall be forfeited, and shall and may be seized by any officer of the customs in the said island, and the same, as well as the pecuniary penalty inflicted by this act, may be sued for, prosecuted, and recovered, in any court of vice admiralty which shall have jurisdiction within the said island of *Newfoundland*; and, after deducting the charges of prosecuting the same from the gross produce thereof, the remainder shall be given, one third to his Majesty, his heirs and successors, one other third to the governor of the said island, and the other third to the officer or officers of the customs who shall seize and prosecute for the same.

Goods imported contrary to this act, to be forfeited.

How to be divided.

VI. And it is hereby further enacted by the authority aforesaid, That this act shall continue in force from the commencement thereof until the twenty-fifth day of *March*, one thousand seven hundred and eighty-six.

Continuance of this act.

The Form of the Licence directed by this Act.

By the commissioners for managing and causing to be levied and collected his Majesty's customs, subsidies, and other duties, in [where].

WHEREAS [name of the person], one of his Majesty's subjects residing at [place where], hath given notice to us the commissioners of his Majesty's [customs in Great Britain, or, revenue in Ireland], that he intends to lade at [some port of the United States in America], and import into [some part of Newfoundland], in the [ship's name], being a British-built ship, [describing the tonnage, and what sort of vessel], navigated according to law; whereof [master's name] is master, bound to [where]; and it appearing by the register of the said ship the [ship's name], whereof [master's name] is master, that the said ship the [ship's name] was built at [place where], and owned by [owner's name], residing at [place where], all his Majesty's British subjects, and that no foreigner, directly or indirectly, hath any share, part, or interest therein:

Anno vicefimo quinto GEORGII III. c. 2. [1785.

Now be it known that the said [perfon's name] hath licence to lade on board the said ship [ship's name], at and from any port or place belonging to the United States of America, bread, flour, and live stock, the produce of the said United States, and no other article whatsoever, and to carry the said bread, flour, and live stock, to some port or place on the island of Newfoundland, or the adjacent islands to his Majesty belonging; and on the arrival of the said ship at any port, harbour, or place of discharge in Newfoundland, or the adjacent islands to his Majesty belonging, the master or person having the charge or command of the said ship is required and enjoined to deliver up the said licence to the collector, or other proper officer of his Majesty's customs there, and to indorse on the back thereof, the marks, numbers, and contents of each package of bread or flour, and the description and tale of each sort and species of live stock, on penalty of one hundred pounds; and shall thereupon receive a certificate thereof from the said collector, or other proper officer of the customs.

This licence to continue in force for _____ calendar months
from the date hereof.

Signed by us the _____ at the _____ this
day of _____ one thousand seven hundred and _____

Licence to import bread, flour, and live stock, the produce of the United States of America, into Newfoundland.

C A P. II.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and eighty-five.

Malt act of 1 Geo. 3. c. 3. sect. 1. further continued to June 24, 1786. Sect. 2. The following duties to be paid in Scotland for malt, mum, cyder, and perry. Malt to pay 3d. per bushel: mum 10s. per barrel: cyder and perry made for sale, 4s. per hoghead. These duties to be raised, &c. by virtue of all or any act in force concerning the duties on malt, &c. Sect. 3. 20,000l. to be raised in Scotland. In case of deficiency, an additional duty to be laid on malt. Surplus to be applied to the fisheries. This act to relate to the same day and time as the act 1 Geo. 3. did. Malt brought from Scotland by sea to be entered at the port of landing: brought by land, to be entered at Berwick or Carlisle. Malt not duly entered and duty paid to be forfeited. Cyder or perry for distilling not chargeable. Distiller to give notice in writing to officer when he distills cyder or perry. 5l. penalty for neglect. Maltsters, for every 20 quarters of grain made into malt for exportation, to be allowed 30 quarters, according to an act 1 W. & M. c. 12. On certificate of malt being exported, and security given, allowance to be paid. Penalty on relanding. Every steeping of malt for exportation to be kept separate till measured. Maltsters to give notice to officers, &c. Penalty on clandestinely opening the locks, &c. of any storehouse 100l. Maltsters, on June 24, 1785, to clear out of their storehouses all malt for exportation within 15 months, on pain of forfeiting 50l. All maltsters, after June 24, 1785, shall clear their storehouses every fifteen months, on penalty of 50l. Clauses in an act 12 Annæ, stat. 1. c. 2. and 6 Geo. 1.

c. 21. recited. 5s. per bushel penalty on all corn steeping or steeped for making malt, which shall be found in the cistern or couch so hard and compact, as it could not be unless the same had been forced together to prevent the rising. 100l. penalty on fraudulently conveying from the cistern, &c. any steeping of corn, and mixing the same with other corn charged with the duty in the couch; or fraudulently conveying the same away, so that no gauge of such corn can be taken in the couch. How penalties are to be recovered. Buyers of cyder and perry for their private use not to be charged. Persons selling less than 20 gallons to be deemed retailers. Persons sued for any thing done in pursuance of this act, may plead the general issue, and shall have treble costs. Clauses in an act 6 Geo. 3. c. 14. recited. Where the duty granted by this act on cyder or perry, in custody of a factor, shall be certified to have been charged, the factor shall be discharged thereof. Clause of loan at 4l. 10s. per cent. Tallies of loan to be struck, &c. Orders to be registered and paid in course. No fee for registering, &c. Penalties for undue preference. It shall not be deemed undue preference where tallies are dated or brought the same day: nor if subsequent orders be paid before such as were not demanded in course. Orders assignable. Commissioners of the treasury impowered to prepare any number of exchequer bills of one common sum, or different sums, in the principal monies. Bills to bear interest at 4l. 10s. per cent. per ann. These bills to be numbered arithmetically. Treasury to direct the course of payment for loans or exchequer bills, and to appoint cheques, &c. The bills to be placed as cash in the offices of the tellers of the receipt of exchequer; to be issuable thereout in common with other monies, and to be current in the revenue. Receivers to exchange bills for ready money. Penalty on refusal. Tallies to be levied for bills lent into the exchequer. Interest to be allowed till payment: except whilst the bills are in the hands of receivers, &c. Bills paid to receivers, &c. to be signed and dated. Bills may be re-issued, both for principal and interest. Receivers to keep books. 100l. penalty on receiver neglecting to keep books, &c. Bills filled up by indorsement, or defaced, to be exchanged. Bills not exceeding 5,000l. each, may be made forth at the exchequer. Forging exchequer bills, or indorsement thereon, felony. How the monies are to be applied. Treasury on Sept. 29, 1786, to take an account of all monies raised and discharged. Unsatisfied monies to be paid out of the next aids, or out of the sinking fund. Commissioners to appoint persons to pay off principal sums, which shall from time to time be in course of payment upon exchequer bills. Money, as brought in, to be paid to the paymasters. Bills to be registered in course. When interest to cease. Paymasters liable to the controul of the treasury. Treasury to settle salaries of clerks, &c. and to contract with persons to circulate bills, &c. Contractors not disabled from being members of parliament, &c. Contractors may lower or raise the interest, with consent of treasury. Contractors how to be paid. No fee to be taken by the officers of the exchequer, &c. No fractions of a penny to be paid for interest. Charges to be paid out of the sinking fund, and to be replaced out of the first supplies. Clause of relief for bills lost or destroyed. Bills discharged to be cancelled. Sinking fund appropriated to discharge national debts incurred before Dec. 25, 1716. Deficiency of the malt tax 23 Geo. 3. how to be supplied. Arrears of former duties to be applied in aid of the supplies granted for the year 1785.

C A P. III.

An act for the regulation of his Majesty's marine forces while on shore,
— Same as former years.

C A P. IV.

An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and eighty-five. — Four shillings in the pound.

VII. And whereas doubts have arisen as to the qualification by law required of the master of his Majesty's household, the first clerk of the household, the clerk of the kitchen, and several officers who, in virtue of their offices, have heretofore acted, or may hereafter act, as commissioners for putting into execution so much of several acts of parliament, for granting an aid to his Majesty by a land tax, as relates to the assessment on the palaces of Whitehall and Saint James, be it enacted, That no other qualification shall be required of any such officers, who shall act as commissioners by virtue of their offices or places, than the possession of such respective offices or places; and that no such officer shall be subject or liable to any penalty inflicted by any such acts, for having heretofore acted without being possessed of any other qualifications, which might have been required by any such acts respectively, than such office or place.

Qualification required of the master of the household, &c.

Master of the household, &c. to be commissioners.

VIII. And be it further enacted, That the master of his Majesty's household for the time being, the first and second clerks of his Majesty's household for the time being, shall be commissioners for putting into execution so much of this act as relates to the assessing, ordering, levying, and collecting of the money thereby limited and appointed to be raised in and for the palaces of *Whitehall* and *Saint James*.

Officers in chancery to be assessed in the rolls liberty.

LIV. Provided always, That the right honourable the master of the *Rolls*, the masters in *Chancery*, six clerks, clerks of the petty-bag, examiners, registers, clerks of the inrolments, clerks of the affidavit and *Subpoena* offices, and all other the officers of the court of Chancery that execute their offices within the liberty of the *Rolls*, shall there be assessed for their respective offices, salaries, and other profits, and not elsewhere; and that all annuities, stipends, and pensions, payable to any officers in respect of their offices, shall be taxed and assessed where such officers are rated and assessed for their offices, and not elsewhere; and that all other pensions, stipends, and annuities, in *England*, *Wales*, and *Berwick upon Tweed*, not charged upon lands, shall be charged and assessed in the parishes or places where they are payable; and every person who is or shall be rated, in *England*, *Wales*, or *Berwick upon Tweed*, for or in respect of any personal estate to him or her any ways belonging, shall be rated at such place where he or she shall be resident at the time of the execution of this act; and all persons not being householders, nor having a certain place of residence, shall be taxed at the place where they shall be resident at the time of the execution of this act; and if any person, who ought to be taxed in *England*, *Wales*, or *Berwick upon Tweed*, by virtue of this act, for or in respect of his personal estate, shall, at the time of his assessment,

Annuities where to be rated.

Pensions to be assessed where payable;

personal estates, where persons resident, &c.

Persons not householders, where resident.

Absent persons to be rated where they

be

be out of the realm, fuch perfon fhall be rated therefore in fuch county, city, or place, where he was laft abiding within this realm. were laft refi-
dent.

C A P. V.

An act for further continuing, for a limited time, an act made in the twenty-third year of the reign of his prefent Majesty, intituled, "An act for preventing certain instruments from being required from fhips belonging to the United States of America; and to give to his Majesty, for a limited time, certain powers for the better carrying on trade and commerce between the fubjects of his Majesty's dominions, and the inhabitants of the faid United States;" and for continuing, for a limited time, an act made in the twenty-fourth year of the reign of his prefent Majesty, intituled, "An act to extend the powers of an act, made in the twenty-third year of his prefent Majesty, for giving his Majesty certain powers for the better carrying on trade and commerce between the fubjects of his Majesty's dominions, and the inhabitants of the United States of America, to the trade and commerce of this kingdom with the Britifh colonies and plantations in America, with refpect to certain articles therein mentioned.— Continued till April 5, 1786.

C A P. VI.

An act for punifhing mutiny and defection; and for the better payment of the army and their quarters. — Number of forces 18,053, including 2,030 invalids.

VII. And be it further enacted and declared, That in the cafe of any foldier tried and convicted of defection, whensoever the court-martial, which fhall pafs fentence upon fuch trial, fhall not think the offence deferving of capital punifhment, fuch court-martial may, inftead of awarding a corporal punifhment, adjudge the offender, if they fhall think fit, to ferve as a foldier in any of the corps ftationed in any of his Majesty's dominions beyond the feas, or in foreign parts, for life, or for a certain term of years, according to the degree of the offence: and if fuch foldier fhall afterwards (without leave from his Majesty, or from the commanding officer of the corps in which he fhall be appointed to ferve) return into this realm, or the kingdom of *Ireland*, before the expiration of the term limited by fuch fentence, and fhall be convicted thereof by a court-martial, he fhall fuffer death. Deferter may
be adjudged
to ferve in any
corps abroad
for life, or for
a term of
years;

X. Provided alfo, and be it further enacted and declared, That none of the proceedings, of any general or regimental court-martial, nor any entry, or copy thereof, fhall be charged or chargeable with any ftamp-duty whatfoever, any thing contained in any former act or acts to the contrary notwithstanding. Proceedings
of courts, or
entries, or
copies there-
of, not liable
to ftamp-du-
ties.

LXVI. And be it enacted by the authority aforefaid, That from the paffing of this act, no foldier, being arrefted or confined for debt, in any prifon, gaol, or other place, fhall be intituled to any part of his pay from the day of fuch arreft or confinement, until the day of his return to the regiment, troop, or company, to which he fhall belong. Soldiers,
while confin-
ed for debt,
not to receive
pay.

Where any corps beyond seas shall be relieved in order to return home, such of the men as shall chuse may be inlisted and incorporated with those appointed to remain; the occasion of quitting such former corps to be recited in the inlisting certificate.

LXXVII. And be it further enacted, That when and as often as any regiment or company shall be relieved at any station or place beyond the seas, in order to their return to *Great Britain* or *Ireland*, it shall and may be lawful for any officer or officers, thereunto authorized by the commander in chief at such station or place respectively, to inlist as many of the soldiers belonging to such regiment or company, returning to *Great Britain* or *Ireland*, as shall be willing, and who shall appear to be fit for service, and to incorporate them in any regiment or company which shall be appointed to remain; and every soldier so inlisted shall be, and is hereby deemed to be, discharged from the regiment or company in which he before served; and the occasion of his quitting such former corps shall be recited in the inlisting certificate; a duplicate, or an attested copy whereof, shall be delivered to such soldier, to protect him from being any-ways molested upon suspicion of his having deserted.

In what cases this act shall extend to Jersey, Guernsey, &c.

LXXVIII. And be it further enacted by the authority aforesaid, That this act shall be construed to extend to the islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the islands thereto belonging, as to the clauses therein for mustering and paying, and to the provisions for the trial and punishment of officers and soldiers who shall be charged with mutiny or desertion, or any other of the offences which are by this act declared to be punishable by the sentence of a general court-martial; and also to the clauses which relate to the punishment of persons who shall conceal deserters, or shall knowingly buy, exchange, or otherwise receive, any arms, clothes, caps, or other furniture, belonging to the king, from any soldier or deserter, or who shall cause the colour of such clothes to be changed.

This act not to extend to the militia farther than is directed by the militia laws;

LXXIX. Provided always, That nothing in this act contained shall extend, or be any-ways construed to extend, to concern any of the militia forces of this kingdom, or in *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or the islands thereto belonging, excepting only in such case wherein, by any act for regulating the militia forces in that part of *Great Britain* called *England*, the provisions contained in this act, or in any act for punishing mutiny and desertion, which shall be then in force, are extended and meant to take place in respect of the officers of the militia, and private militia men, within that part of *Great Britain* aforesaid; and also except so far as relates to the mustering of the militia forces of this kingdom, according to the provisions herein-after mentioned.

exception.

As often as it shall be necessary, officers of the land and marine

LXXX. And whereas it may be expedient in certain cases, and particularly in such matters wherein any of his Majesty's marine forces may be interested, that officers of the marines shall be associated with officers of the land forces, for the purpose of holding courts-martial; be it enacted and declared, That when and as often as it may be necessary, it shall and may be lawful for officers of the land and marine forces to sit in conjunction upon courts-martial, and to proceed in the trial of any officer or soldier of the land

land forces, in like manner, to all intents and purposes, as if such courts-martial were composed of officers of the land forces only; and the officers of the land and marine forces are, in such cases, to take rank according to the seniority of their commissions in either service.

LXXXI. *And, for the better ascertaining the number of effective men of the regiments of militia, when embodied and in actual service,* be it enacted by the authority aforesaid, That, from and after the passing of this act, every regiment or corps of militia and fencible men, when embodied and in actual service, shall be regularly mustered by commissaries appointed for that purpose, in the same manner, and as often as the army is usually mustered; and the magistrates shall have the same powers and authorities, and both officers and men shall be subject to the same regulations, restrictions, and penalties, as are imposed on the officers and soldiers of the army by virtue of this act.

LXXXII. *And whereas the time of service in the militia is limited to three years,* be it enacted by the authority aforesaid, That the officer commanding each regiment or corps of militia, or fencible men, shall certify, on the back of the muster-roll, the names of those men who are within six months of the time of the expiration of their service, and also the number of men which have been inrolled since the last muster, distinguishing the ballotted men from the substitutes; and every man so inrolled shall be intitled to receive his pay from the time of his inrollment.

LXXXIII. And be it further enacted by the authority aforesaid, That this act shall be and continue in force, within the realm of *Great Britain*, from the twenty-fourth day of *March*, in the year of our Lord one thousand seven hundred and eighty-five, until the twenty-fifth day of *March*, in the year of our Lord one thousand seven hundred and eighty-six; and shall be and continue in force, in *Jersey, Guernsey, Alderney, Sark, and Man*, and the islands thereto belonging, as to such parts thereof as relate to those places respectively, from the thirtieth day of *April*, in the year of our Lord one thousand seven hundred and eighty-five, until the first day of *May*, in the year of our Lord one thousand seven hundred and eighty-six; and shall be and continue in force, within the garrison of *Gibraltar*, and in his Majesty's other dominions beyond the seas, as to such parts thereof as relate to those places respectively, from the twenty-fourth day of *March*, in the year of our Lord one thousand seven hundred and eighty-six, until the twenty-fifth day of *March*, in the year of our Lord one thousand seven hundred and eighty-seven.

C A P. VII.

An act for the more easy and speedy recovery of small debts, within the town and port of *Faversham*, the hundreds of *Faversham* and *Boughton*, and the several parishes of *Ospringe, Seasalter, and Whitstable*, in the county of *Kent*.

forces may fit in conjunction upon courts-martial; taking rank according to the seniority of their commissions.

Militia and fencible men, when in actual service, to be regularly mustered, &c.

Names of militia men, &c. who are within six months of the expiration of their service, to be certified on the back of the muster-roll.

Continuance of this act.

Anno viceſimo quinto GEORGH III. c. 8—10. [1785.

A court intituled, to be called, The Court of Requests in the Town and Port of Faversham; to be held weekly, before three or more commissioners, to recover debts above 2s. and under 40s. (except for rent on lease, or where title may come in question, or on real contract, or on will, or matrimonial contract, or other ecclesiastical matter, or wagers, or won at play, or on penal statute, or bye law, or on promise made above six years before fummons).

C A P. VIII.

An act for defraying the charge of the militia in that part of Great Britain called England for one year, beginning the twenty-fifth day of March, one thousand seven hundred and eighty-five. — Same as former years.

C A P. IX.

An act for paving, cleaning, and lighting The High Street, and other places within the town of Huntingdon, and for removing and preventing nuisances and annoyances therein. — May raise 600l. by mortgage of rates or on annuities.

C A P. X.

An act for building a new gaol, a penitentiary house, and certain new houses of correction, for the county of Gloucester, and for regulating the same.

Preamble.

19 Geo. 3.
c. 74. sect. 5.
recited.

WHEREAS the present gaol and houses of correction for the county of Gloucester are very ill constructed, and neither sufficiently spacious, nor in other respects well adapted for the reception of prisoners: and whereas by an act made in the nineteenth year of his present Majesty, (intituled, An act to explain and amend the laws relating to the transportation or other punishment of certain offenders), his Majesty is enabled to appoint supervisors for building two penitentiary houses, for confining and employing in hard labour such persons convicted of transportable crimes within England or Wales, as are therein mentioned; with a limitation of the number of convicts to be sent to the said two penitentiary houses from the respective circuits and places within England and Wales, as therein divided and described; and in the mean time, till certificate shall be made, in manner therein mentioned, that such penitentiary houses are fitted and completed for the reception of offenders, the court in which any such offenders as are therein-before described shall be convicted, or any other court for the same place, with like authority, is enabled to order such offenders to be kept to hard labour in the respective houses of correction, or other proper places, within each county, which, during the said time, are to be deemed penitentiary houses in manner therein mentioned; and the justices of the peace for every county, at their severall quarter sessions to be holden next after the feast of Saint Thomas the Martyr, in the year one thousand seven hundred and seventy-nine, or at any adjournment of the same sessions, are thereby required to give directions for the temporary reception, safe custody, employment, and due regulation of such offenders, the expenses of which, being previously examined and allowed by the justices at their

c

quarter

quarter feflions, are directed to be paid by the treafurer of each county: and whereas two penitentiary houfes for England and Wales have not been erected in purfuanee of the faid recited act, nor hath any houfe of correction been fitted and prepared as a temporary penitentiary houfe for the county of Gloucefter: and whereas it may be of great publick utility, that a houfe of correction to be ufed as a penitentiary houfe fould be built for the particular purpofe of confining fuch transportable and other convicts within the fame county, as well in refpect to the uncertainty when the two general penitentiary houfes for England and Wales may be built, as in refpect of the fmall proportion of offenders which will be receivable therein from the circuit to which the county of Gloucefter belongs; and it is abfolutely neceffary that a new county gaol, and feveral houfes of correction, fould be built, for the ufe of the faid county: may it therefore please your Majefty that it may be enacted; and be it enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame,

That all perfons who are now, or fhall hereafter for the time being be acting juftices of the peace for the county of Gloucefter, fhall be, and they are hereby conftituted commissioners for building a new gaol and a penitentiary houfe, and certain new houfes of correction, for the county of Gloucefter, and for executing fuch of the powers of this act as are herein-after entrusted to them the faid commissioners.

II. And, in order to continue a fufficient number of acting commissioners for executing the powers of this act, be it further enacted,

That if any perfon, hereby conftituted a commissioner, fhall neglect to act as fuch for one year after the paffing of this act, or after his becoming an acting juftice of the peace for the county of Gloucefter, or if, by writing under his hand, to be delivered to the chairman of any meeting of the faid commissioner, he fhall fignify his intention not to act as a commissioner, every fuch perfon fhall forfeit the right of being a commissioner, hereby given to acting juftices of the peace for the faid county, and fhall be incapacitated from acting as a commissioner, unlefs he fhall be afterwards elected a commissioner under the power of election herein given; and if any perfon, having begun to act as a commissioner, fhall, in manner aforefaid, fignify his intention no longer to act as fuch, or fhall not be prefent at any meeting, and fign his name in the book of proceedings as a commissioner, for two years fucceffively (which laft-mentioned omiffion fhall in all cafes be confidered as a neglecting to act as fuch), in every fuch cafe it fhall be lawful for the remaining commissioners, or the greater number affembled at any meeting, at which not lefs than feven fhall be prefent, to elect one other perfon, who (if not an acting juftice of the peace for the faid county) fhall be otherwife qualified as herein-after mentioned, in the room of each commissioner fo declining or neglecting to act; but notice of the intention to proceed to fuch election fhall be publifhed in fome publick newspaper

Commission-
ers.
For electing
new commis-
sioners.

newspaper circulating in the county of *Gloucester*, at least eight days before the meeting for such purpose.

Qualification
of commis-
sioners.

III. Provided always, and be it further enacted, That no person, except such as shall be commissioners by virtue of their office as acting justices of the peace, shall be qualified to act as a commissioner under this act, who shall not have, in law or equity, to and for his own use and benefit, in possession, a freehold, copyhold, or customary estate, for life, or for some greater estate, or an estate for some term of years, determinable upon one or more life or lives, or for a term certain, originally created for twenty-one years or more, in lands, tenements, or hereditaments, lying or being in the county of *Gloucester*, of the clear yearly value of two hundred and fifty pounds, over and above what will satisfy or discharge all incumbrances affecting the same, and over and above all rents and charges payable out of or in respect of the same; or who shall not be seised of or entitled unto, in law or equity, to and for his own use and benefit, the immediate reversion or remainder of and in lands, tenements, or hereditaments, lying and being as aforesaid, which are leased upon conventional rents for one or more life or lives, or for some term of years determinable upon the death of one or more person or persons, and which are of the clear yearly value of four hundred pounds; and no person shall be capable of acting as a commissioner under this act in any case in which he shall be interested, or in any manner, whilst he shall under this act hold any office, except that of a commissioner, or whilst in his private capacity he shall be concerned in any contract or agreement relative to the execution of this act, except lending money or buying annuities on the credit and for the purposes thereof.

Penalty on
acting, if not
qualified.

IV. And be it further enacted, That if any person shall act as a commissioner under this act, not having the requisite qualification of estate or office, or being otherwise hereby disqualified from acting, he shall, for every such offence, forfeit one hundred pounds to the treasurer of the said commissioners for the time being, to be applied for the purposes of this act, and to be recovered, with full costs of suit, by action of debt, in any of his Majesty's courts of record at *Westminster*; and in every action for recovery of such penalty, the proof of qualification to act as a commissioner shall lie on the person against whom the same is brought.

Commission-
ers meetings.

V. And be it further enacted, That the said commissioners, or any five or more of them, shall meet for executing this act, for the first time, at the grand jury room at *Gloucester*, on the fifth day of *April*, one thousand seven hundred and eighty-five, or as soon after as conveniently may be, of which first meeting at least eight days previous notice shall be given, by advertisement in some publick newspaper circulating as aforesaid, signed by two acting justices of the peace for the said county of *Gloucester*; and the said commissioners shall then, and at every subsequent meeting, adjourn themselves from time to time, and place

place to place, as they, or any five or more of them, present at any fuch meeting, fhall think convenient, but no fuch adjournment fhall be made for a longer time than feven calendar months; and if five commiffioners fhall not attend at the time and place appointed for any fuch meeting, then the commiffioners or commiffioner present may make fuch adjournment; or if no fuch commiffioner fhall be present, or if at any meeting it fhall be neglected to make an adjournment, then any three or more commiffioners may revive and continue the meetings of the faid commiffioners, by calling one for that purpofe, and caufing notice to be given of it in fome publick newspaper circulating as aforefaid, at leaft eight days before the day of meeting; and every fuch meeting, fo to be called for the purpofe of reviving and continuing the faid meetings, fhall be adjourned in the like manner; and all fuch adjournments, and the revivals and continuations of the faid meetings, fhall be entered by the clerk to the faid commiffioners in a book hereinafter directed to be kept; and the faid commiffioners, or any five or more of them, fhall have authority, as often as they fhall think fit, to call an extraordinary meeting, by a previous notice of at leaft eight days, to be advertifed in fuch newspaper as aforefaid, fpecifying the time, place, and purpofe of fuch meeting; and the faid commiffioners fhall at all their meetings pay their own expences; and all orders of the commiffioners in executing the powers of this act fhall be made at meetings to be held as is before directed; and at every fuch meeting one of the commiffioners present fhall be appointed chairman; and all queftions and matters fhall be determined by a majority of votes of the commiffioners present, and the chairman fhall not only have a fingle vote, but, in cafe of equality of votes, fhall have the decifive or cafting vote; and all fuch commiffioners as are acting juftices of the peace may act as fuch in matters arifing on this act, notwithstanding their being commiffioners, except only in cafes in which they fhall be perfonally interefted; and all orders and proceedings at every meeting fhall be entered in a book, to be kept for that purpofe by the clerk to the faid commiffioners, and fhall be figned by the chairman of the meeting; and fuch entries fhall be deemed original orders and proceedings, and may be read in evidence in all courts whatfoever; and all fuch books of proceedings fhall be lodged with the clerk to the faid commiffioners for the time being, and fhall and may be perufed and infpected, at all feafonable times, by any perfon affeffed to the poor's rate within the county of *Gloucefter*, on payment to fuch clerk of one fhilling for each time of infpection, and one fhilling more for every hour during which fuch infpection fhall continue after the firft hour; and when the commiffion appointed by this act fhall ceafe, in confequence of the final execution of all the powers hereby intrufted to the faid commiffioners, fuch books of proceedings fhall be deposited with the clerk of the peace for the faid county of *Gloucefter*, and be

Commiffioners being juftices, may act as fuch.

Proceedings to be entered in books.

Diffpofal of fuch books.

by

by him kept and preſerved amongſt the records of the ſeſſions of the peace for the ſaid county.

Sub-committees.

VI. And be it further enacted, That the ſaid commiſſioners, or any five or more of them, may, if they think fit, nominate and appoint one or more ſub-committee or ſub-committees, and every ſub-committee ſo appointed ſhall ſuperintend, regulate, and controul ſuch artificers, officers, and workmen, as ſhall be employed by the ſaid commiſſioners, and ſhall ſee to the due performance of ſuch contracts and agreements as may be entered into for the purpoſe of carrying this act into execution; and all orders and inſtructions ſigned by the majority of any ſuch ſub-committee, provided they do not exceed the limits of the orders of the commiſſioners at large, ſhall be binding on ſuch artificers, officers, and workmen.

Commiſſioners may appoint officers,

VII. And be it further enacted, That the ſaid commiſſioners ſhall and may appoint a treaſurer, a clerk, a ſurveyor or ſurveyors, and ſuch other officers, for executing the powers of this act, and take ſuch ſecurity from them, as they the ſaid commiſſioners ſhall think neceſſary, and ſhall, at their pleaſure, remove any ſuch officer or officers, and appoint others in the room of ſuch as ſhall die or be ſo removed, and out of the monies ariſing by this act pay ſuch ſalaries and allowances as they ſhall think proper to their officers, and all others employed under their authority; and all ſuch clerks, treaſurers, ſurveyors, and all other officers, who may at any time reſign or be removed, and the reſpective executors and adminiſtrators of any who may die, ſhall, within three calendar months after notice given in writing, produce and deliver up to ſuch commiſſioners, or any one or more of them, all books, accounts, papers, or writings whatſoever, relative to the execution of ſuch reſpective offices, which ſhall be in their cuſtody or power; and every ſuch officer or perſon as aforeſaid, neglecting or reſuſing to deliver up ſuch books, accounts, papers, or writings, ſhall, for every ſuch neglect, forfeit any ſum not exceeding twenty pounds; and if any ſurveyor, appointed as hereby directed, ſhall have any part, ſhare, or intereſt, directly or indirectly, in any contract or bargain for work or materials to be made, done, or provided, on account of any works under his inſpection and management, or ſhall on his own account let to hire any team, or ſell or diſpoſe of any timber, ſtone, or other materials, to be uſed or employed in performing or carrying on any ſuch works, he ſhall forfeit the ſum of two hundred pounds to the treaſurer to the ſaid commiſſioners for the time being, to be recovered and applied in the manner and for the purpoſes aforeſaid: provided always, That no treaſurer ſhall at any time be appointed or removed, unleſs ſeven commiſſioners at the leaſt be preſent, nor ſhall any clerk, ſurveyor, or other officer, be ſo appointed or removed, unleſs five commiſſioners at the leaſt be preſent at the time of ſuch appointment or removal; but publick notice, of eight days at the leaſt, ſhall be given, in ſome newſpaper
circu-

and allow them ſalaries.

circulating as aforesaid, of the intention to proceed to the appointment of any treasurer or clerk; and no order of the said commissioners, for the removal of any such treasurer or clerk, shall have any effect, until it shall have been confirmed at a subsequent meeting of a like number of seven, or five at least, of the said commissioners, as the case may require, of which subsequent meeting a like publick notice, of eight days at the least, shall be given as aforesaid.

VIII. And be it further enacted, That the said commissioners may sue or be sued in the name of their clerk, and that no action that may be brought or commenced by or against the said commissioners, or any of them, by virtue of this act, in the name of their clerk, shall abate or be discontinued by the death or removal of such clerk, or by the act of such clerk, without the consent of the said commissioners, or any five or more of them; but the clerk to the said commissioners for the time being shall always be deemed plaintiff or defendant in such action, as the case shall be.

Commissioners may sue and be sued in the name of their clerk.

IX. And be it further enacted, That the said commissioners, or any seven or more of them, shall, with all convenient speed, after the passing of this act, fix upon such piece or pieces of ground, within the city and county of *Gloucester*, or one of them, for building thereon a new gaol, a penitentiary house, and a new house of correction, and also such pieces of ground, within the county of *Gloucester*, for building thereon four other new houses of correction, as shall appear most commodiously situate; and in so fixing shall more particularly have regard to the airiness, dryness, and healthiness of the situation, the accommodation of water, the avoiding all ill smells, and being over-looked, and for that purpose to the keeping at a proper distance from the centre of any populous town, and yet being near enough to some town for the purpose of accommodation and security, and also to the placing such new gaol and penitentiary house, and one of the said five houses of correction, as near to the county hall in the city of *Gloucester* as may be, consistently with the aforesaid directions, and to having the said four other houses of correction so distributed throughout the county of *Gloucester*, as shall appear to them most likely to correspond with the general convenience of the said county.

For fixing on ground for building gaol and houses of correction.

X. And, in order to prevent any precipitancy in fixing upon such pieces of ground for the said gaol, penitentiary house, and houses of correction, be it further enacted, That no order of the said commissioners in that instance shall have any force till it shall have been confirmed by the commissioners, or any seven or more of them, present at a second meeting, to be holden at least fourteen days from the day of making such order, of which second meeting, and the purpose thereof, eight days notice at least shall be given by the clerk of the said commissioners, by advertisement in such newspaper as aforesaid: provided always, That nothing herein contained shall any-ways affect or prejudice the

Such fixing not valid till confirmed at future meeting.

Reserving the rights of the borough of Tewksbury.

rights and privileges of the bailiffs, burgefles, and commonalty of the borough of *Tewksbury*, within the faid county.

Commissioners to purchase the premises.

XI. And be it further enacted, That when and as foon as fuch pieces of ground for fuch new gaol, penitentiary houfe, and new houfes of correction, fhall be fo fixed upon, the faid commissioners, or any five or more of them, are hereby authorized to contract for the abfolute purchafe in fee fimple of the faid pieces of ground refpectively, together with any houfes or buildings thereon, or that fhall be ftanding within fifteen yards of the intended boundary wall, for the purpofe of erecting the faid new gaol, penitentiary houfe, and new houfes of correction, and for obtaining a clear fpace of ground furrounding the fame, in manner, and for the purpofes herein-after directed; and the pieces of ground, and houfes or buildings, fo to be purchafed, fhall be conveyed to the cuftos rotulorum of the faid county of *Gloucefter* for the time being, and his fucceffors, fuch cuftos rotulorum being hereby conftituted a corporation fole, in order for him and his fucceffors to hold the faid pieces of ground, and the intended new erections and buildings thereon, in perpetual fucceffion, for the purpofes of this act; and any fuch lands, houfes, or buildings, as may be fituate within the city of *Gloucefter*, which fhall be fo purchafed and conveyed as aforefaid, and which fhall be enclosed within the boundary wall of fuch new gaol, penitentiary houfe, and houfe of correction adjoining thereto, fhall be deemed and taken to be part of the county of *Gloucefter*.

All perfons enabled to fell and convey.

XII. And be it further enacted, That it fhall be lawful for the King's moft excellent majefty, his heirs and fucceffors, and for all bodies corporate, and all feoffees in truft, executors, administrators, husbands, guardians, committees, or other truftees whatfoever, for and on the behalf of themfelves, their heirs and fucceffors, infants, iffue unborn, lunaticks, ideots, femes covert, and ceftuique truftees, and for all other perfons whomfoever, who are or fhall be feifed or poffeffed of or interefted in any lands, tenements, or hereditaments, which fhall be fixed upon as aforefaid, to contract and agree with the faid commissioners, or any five or more of them, for the fale thereof, or for their intereft therein, and to convey the fame unto the cuftos rotulorum of the faid county of *Gloucefter* for the time being, and his fucceffors, as is herein-before directed; and fuch contracts, agreements, and fales, fhall be valid to all intents and purpofes, any law, ftatute, fettlement, or other matter or thing whatfoever, to the contrary thereof in anywife notwithstanding, and all fuch perfons are hereby indemnified for making the fame.

If parties do not agree, the bufinefs referred to a jury.

XIII. And be it further enacted, That if any fuch bodies corporate, trustee or truftees, or other perfon or perfons interefted in any fuch houfes, buildings, lands, tenements, or hereditaments, upon a notice of fourteen days from the faid commissioners, or any five or more of them, given or left in writing

writing at the dwelling houſe of the chief officer belonging to any ſuch body corporate, or of any ſuch perſon or perſons as aforeſaid, or at the houſe of the tenant in poſſeſſion, ſhall not agree with the ſaid commiſſioners, or any five or more of them, for the ſale of any ſuch lands, tenements, or hereditaments, or any part thereof, or for their intereſt therein, or if, by reaſon of abſence or incapacity, they ſhall be prevented from treating for ſuch ſale, then, and in every ſuch caſe, the juſtices of the peace for the county of Glouceſter, at their general or quarter ſeſſions, or at any adjournment of the ſame, may and ſhall, and they are hereby impowered and required, to cauſe the ſame to be inquired into and ſettled by a jury, in the ſame manner, and under the ſame powers, regulations, reſtrictions, penalties, and determinations, as in and by an act of the twenty-fourth year of his preſent Maſteſty's reign, (intituled, *An act to explain and amend an act, made in the eleventh and twelfth years of the reign of King William the Third, intituled, An act to enable juſtices of the peace to build and repair gaols in their reſpective counties; and for other purpoſes therein mentioned*); are preſcribed, given, and directed, for aſcertaining the value of houſes, buildings, lands, tenements, hereditaments, eaſements, or privileges, which ſhould be deemed neceſſary for the purpoſes of building or enlarging any gaol, and other the purpoſes of that act.

XIV. *And whereas Glouceſter caſtle is the preſent gaol for the county of Glouceſter, and the ſite thereof, and part of the land belonging thereto, may be deemed an eligible ſituation for the ſaid new gaol, and alſo for ſuch penitentiary houſe, and one of ſuch new houſes of correction as aforeſaid: and whereas his Maſteſty, in right of his crown, is ſeiſed of the fee-ſimple and inheritance of the ſaid caſtle, and the lands thereunto belonging; and Benjamin Hyett eſquire, by virtue of a grant of the office of conſtable of the caſtle of Glouceſter, (made by his preſent Maſteſty to Nicholas Hyett, for three lives), hath, in right of his office, poſſeſſion of the ſaid caſtle, and lands thereunto belonging, except the part lying within the high wall incloſing the court yard belonging to the ſaid caſtle, which ſaid part is, by a covenant in the grant, directed to be demiſed by leaſe, to be renewed from time to time, for certain conſiderations, to certain truſtees, in truſt for the ſaid county; and which part has been, for a long time paſt, and is now uſed for the county gaol: be it therefore enacted,*

That, on application of the ſaid commiſſioners, or any five or more of them, to his Maſteſty, or his heirs and ſucceſſors, for a grant of the fee-ſimple of ſuch part of the caſtle, and ſo much of the lands and buildings belonging thereto, as may be thought neceſſary for the purpoſes of building the ſaid gaol, penitentiary houſe, and one of the ſaid houſes of correction, with the courts and airing grounds ſuitable thereto, it ſhall be lawful for his ſaid Maſteſty, his heirs and ſucceſſors, to make a grant accordingly to the cuſtos rotulorum of the ſaid county for the time being, and his ſucceſſors, as a corporation in perpetual ſucceſſion, in truſt for the purpoſes of this act; and after ſuch grant ſhall be made, the eſtate and intereſt of and in the ſaid part of

The fee-ſimple of the caſtle and preſent gaol is in his Maſteſty.

Benjamin Hyett eſquire, hath a grant of the office of conſtable, and poſſeſſion of the caſtle and lands, except the part now uſed for a gaol.

His Maſteſty may grant his right.

Mr. Hyett's intereſt to be purchaſed.

the faid caſtle, and lands and buildings, as aforeſaid, now in the ſaid *Benjamin Hyett*, in right of his ſaid office, ſhall be purchaſed by the ſaid commiſſioners, or any five or more of them, under the powers herein-before given to them; and ſuch eſtate or intereſt, as is ſo ſubſiſting in the aforeſaid truſtees for the uſe of the ſaid county, ſhall, from the time of completing ſuch purchaſe from the ſaid *Benjamin Hyett*, abſolutely ceaſe and determine.

How land to be purchaſed ſhall be taxed in future.

XV. And be it further enacted, That in all future rates, taxes, and levies, to be made for any pariſh or place in the county of *Glouceſter*, within which any land or ground to be purchaſed for the purpoſes of this act ſhall be ſituate, ſuch land or ground, with any building to be erected thereon, ſhall not be aſſeſſed to any ſuch rates, taxes, and levies, at an higher value or more improved rent than the ſame land or ground was at the time of ſuch purchaſe; nor ſhall any building or buildings, which under this act ſhall be erected on ſuch land, be aſſeſſed to any houſe or window tax; any act or acts of parliament to the contrary notwithstanding.

Power to get materials for building.

XVI. And be it further enacted, That the ſaid commiſſioners, or any five or more of them, ſhall and may, and they are hereby authoriſed to impower their agents or workmen to dig, take, and carry away, any ſoil, clay, ſand, gravel, or ſtone, and to manufacture the ſame for the purpoſe of building, carrying on, finiſhing, and completing, all or any of the gaols, houſes of correction, or other buildings, hereby directed to be built, out of, upon, or from any common or waſte land, river, or brook, without paying any thing for the ſame, they cauſing all pits or quarries made by ſuch digging and taking to be filled up, or railed and fenced, ſo as not to be dangerous to paſſengers or cattle; or, where there is not ſufficient of ſuch materials to be procured from any common or waſte land, river, or brook, contiguous to any building carrying on under this act, the ſaid commiſſioners, or any five or more of them, are in like manner impowered to authoriſe their agents and workmen to ſearch for, dig, take, manufacture, and carry away, any ſuch materials as aforeſaid, in, upon, or out of, from, and over the lands of any perſon or perſons (not being ground built on, or a yard, garden, or park, or land improved as pleaſure ground, previous to the time of paſſing this act), paying or tendering ſatiſfaction for the ſame, as herein-after directed; and if any perſon whoſeever, not hereby authoriſed, ſhall take away any materials ſo dug or got in any lands, waſte grounds, or rivers, or ſhall dig or take away any materials out of any pit or quarry made or opened for the above purpoſe, before the ſaid agents or workmen ſhall have diſcontinued working therein for the ſpace of twenty-one days (except the owner or occupier of any private ground, or perſons authoriſed by ſuch owner or occupier, to get materials therein for his own private uſe only, and not for ſale), every perſon ſo offending ſhall forfeit, for every ſuch offence, the ſum of forty ſhillings.

XVII. *And, inasmuch as it is essential to the healthiness and convenience of the said intended prisons, that they should be constantly and uninterruptedly supplied with a current of fresh water,* be it therefore further enacted, That it shall and may be lawful to and for the said commissioners, or any five or more of them, their agents and workmen, without any hindrance or interruption, to enter upon any lands adjoining or contiguous to any such intended gaol, penitentiary house, or house of correction, and there to search for any spring or stream of water, and to make any cut, channel, drain, or watercourse, and dig, fix, or build any reservoir or other works, as may appear necessary for conducting any such spring or current of water into, and effectually draining or discharging the same out of, any such new gaol, penitentiary house, or house of correction; and also to and for all other agents and workmen, being hereafter duly authorised to repair the said gaol, penitentiary house, or houses of correction, in like manner, from time to time, and as often as there shall be occasion, to enter into and upon any such lands or grounds, for the purpose of cleansing, scouring, repairing, or amending such cut, channel, drain, watercourse, reservoir, or other works; and all and singular the cuts, channels, drains, watercourses, reservoirs, or other works, so to be made, shall be vested in the custos rotulorum of the county of Gloucester for the time being, and his successors, as a corporation sole, in trust for the purposes of this act, and shall be part of the said county of Gloucester: provided always, That no house used for habitation shall be deprived of the use of any spring or current of water from which it has usually been supplied, nor shall any field, having a watering place, be deprived thereof; and any person who shall wilfully close up, divert, or injure any such cut, channel, drain, watercourse, reservoir, or other works, or disturb the water conveyed therein, shall forfeit a sum not exceeding ten pounds, nor less than forty shillings.

For obtaining
a supply of
fresh water.

XVIII. And be it further enacted, That in respect of all damages that may accrue to any owners or occupiers of lands or grounds, by getting materials as aforesaid, or by carrying water on or over any such lands, or by digging or making any watercourse, reservoir, drain, or other works, for conducting water as aforesaid, and also in respect of all and every other damage or damages arising by reason or means of the execution of any of the powers herein contained, and which is or are not herein specially provided for, the said commissioners, or any five or more of them, shall cause a reasonable satisfaction for the same to be made, from time to time, within three calendar months after such damage or damages shall happen, on application being made, by the respective land-owners, or other persons aggrieved, for that purpose; and in case the said commissioners, or their agents, and the said land-owners, or other persons aggrieved, cannot agree upon such satisfaction, or the said land-owners, or other persons aggrieved, shall refuse to treat, or by

Recompence
for damage
to land in
getting water.

reason of abfence shall be prevented from treating, or through difability, nonage, coverture, or other impediment, cannot treat for themfelves, or make fuch agreement as fhall become neceffary, then the faid fatisfaction fhall be determined by the juftices of the peace for the county of *Gloucefter*, at their general or quarter fefions, on eight days notice of fuch appeal or application being given, by the party appealing, to the clerk to the faid commiffioners; and the juftices as aforefaid are hereby authorized to hear and examine witneffes on oath or affirmation, and to order the fatisfaction fo determined to be paid to the party or parties aggrieved, by the treafurer to the faid commiffioners, and fuch determination of the juftices fhall be final and conclufive to all parties; and in cafe fuch treafurer fhall neglect, for twenty-one days next after fuch order, to pay the fatisfaction fo determined, the party or parties aggrieved fhall and may recover the amount thereof, by action of debt, againft the faid treafurer for the time being, in any of his Majesty's courts of record at *Westminfter*.

Foot ways on the outside of boundary walls.

XIX. And be it enacted, That a fpace of five feet on the outside of the boundary wall of every prifon to be built under this act, fhall be confidered as a publick foot way for ever; and all roads and ways leading to or furrrounding the faid gaol, penitentiary houfe, and houfes of correction, fhall be confidered as publick highways, and fhall from time to time be repaired as fuch.

For fecuring a free circulation of air.

XX. *And, for the more effectually fecuring a free circulation of pure and wholefome air, and thereby preventing the gaol fever, and other malignant difeafes,* be it further enacted, That, from and after the time that any ground fhall be determined on and fet out for any gaol, penitentiary houfe, or houfes of correction, hereby directed to be built, no perfon fhall erect any houfe or building, put, or pile, or fet up any pole, timber, earth, dung, hay, ftraw, wood, rubbifh, or other thing (otherwife than for a fence, which fhall not exceed five feet in height), or keep any fwine, nearer to the boundary wall of fuch gaol, penitentiary houfe, or houfe of correction, than fifteen yards; and every perfon offending in any fuch cafe, and continuing fuch offence for the fpace of ten days after notice to difcontinue the fame, or to remove the caufe thereof, fhall forfeit a fum not exceeding ten pounds, nor lefs than forty fhillings; and the caufe of fuch offence fhall be removed by the order of any two juftices of the peace for the county of *Gloucefter*, and the offender fhall forfeit and pay, over and above the faid penalty hereby directed, the charges and expences of fuch removal; and if any tree fhall at any time be growing, ftanding, or extending within fuch diftance, the fame fhall be cut down by the occupier or occupiers of the land whereon the fame fhall be, on notice given to him or them by the clerk of the peace for the county of *Gloucefter*; and in cafe fuch tree fhall not be cut down within ten days after fuch notice, the juftices of the peace for

for the faid county, at their general or quarter feflions, may order fuch tree to be cut down and fold, for the purpofes of this act.

XXI. And be it further enacted, That the faid commissioners, or any five or more of them, fhall and may, and they are hereby required, with all convenient fpeed, after purchafing fuch pieces of land, and houfes or buildings as aforefaid, to caufe to be built and erected, on one of the faid pieces of land, a new gaol, with a penitentiary houfe, for the reception of fuch convicts and offenders as are herein-after defcribed, and alfo one of the faid new houfes of correction, fo that the fame new gaol, penitentiary houfe, and houfe of correction, may be contiguous to each other, and be furrounded by an outside wall detached therefrom; and on the remaining pieces of land fo purchafed as aforefaid, four other new houfes of correction; and alfo to caufe the faid new gaol, penitentiary houfe, and houfes of correction, to be fitted up and furnifhed in a complete and effectual manner for the reception of prifoners, as to them the faid commissioners, or any five or more of them, fhall feem beft adapted to answer the purpofes of this act, according to the feveral ufes for which the fame are hereby refpectively appointed; for doing of all which (fubject to the directions herein-after particularly given) the faid commissioners, or any five or more of them, are hereby authorized to make fuch contracts, and to employ fuch artificers, workmen, labourers, and others, and to do all fuch other things as fhall in their difcretion appear requifite in the premifes, and particularly to pull down the houfes or buildings fo purchafed as aforefaid, and fell or difpofe of the materials thereof, as fhall be moft advantageous for the purpofes of this act.

For building a new gaol, penitentiary houfe, and other houfes of correction.

XXII. And be it further enacted, That in fettling and adjusting the plan for the building fuch new gaol, and the yards, courts, and outlets thereof, the commissioners are hereby required to have particular regard to the following provifions; (that is to fay), That the wards and apartments of the faid gaol be fo conftituted as to allow of a feparation, both by night and day, of male from female prifoners, and of debtors and perfons in cuftody for want of fureties, or on exchequer procefs, or for fines, contempts, or pecuniary penalties, where there can be no corporal punifhment, from perfons in cuftody for felonies or other crimes; that there be a convenient number of feparate and diftinct night cells for felons; and apartments adapted to folitude, and a greater degree of constraint, for the temporary reception of refractory prifoners; and a feparate place of confinement for fuch prifoners as are intended to be examined as witnefles on behalf of any profecution of any indictment for felony; and alfo a plain and decent room as a chapel for divine fervice; and two or more apartments as an infirmary for fick prifoners, in conformity to the ftatute of the fourteenth year of his prefent Majefty, (intituled, *An act for preferving the health of prifoners in gaol, and preventing the gaol diftemper*); 10-

For regulat- ing the plan for building and adjusting the feveral wards in the new gaol.

14 Geo. 3. c. 59.

gether with fuch baths as are required by the faid act; that there be alfo provided convenient apartments or places for the ufe of fuch prifoners as fhall be directed, or may be willing to work for their maintenance whilft in cuftody; and further, that fufficient offices and apartments be fet apart for the occupation of the gaoler, his family, and affiftants; and proper and diftinct airing grounds for the ufe of each clafs of prifoners: and, in order as far as may be to prevent the introduction of infectious difeafe, that there be provided a lazarette, or ward with feparate cells, for the immediate reception of prifoners on their commitment, previoufly to examination by the furgeon or apothecary; and in or near fuch ward provifion fhall be made for wafhing fuch prifoners, and for purifying their cloaths.

Directions for
conftituting
the houfes of
correction.

22 Geo. 3.
c. 64.

24 Geo. 3.
c. 55.

XXIII. And be it further enacted, That in the conftituting of the faid five new houfes of correction, the faid commiffioners fhall obferve the feveral directions prefcribed, as well by an act of the twenty-fecond year of the reign of his prefent Majefty; (intituled, *An act for the amending and rendering more effectual the laws in being relative to houfes of correction*), as by an act of the twenty-fourth year of the reign of his faid Majefty, to explain and amend the faid act of the twenty-fecond year of his reign, in refpect to fuch houfes of correction as fhall be built under the fame acts; and, as an addition to the apartments and places thereby required, provifion fhall be made, as far as conveniently may be, for feparately lodging and keeping each individual prifoner; apartments of a greater degree of reftRAINT fhall alfo be provided for the punifhment of the refractory, who, under the faid two laft-mentioned acts, may be ordered to clofe confinement; a room fhall be fet apart as a chapel for the performance of divine fervice; proper places for the reception of the fick; a bath, and a clofe room for purifying infected cloaths; and in the arranging the apartments for the governor, there fhall be provided a room convenient for the meeting of the vifiting juftices, or of fuch other juftices of the peace as may be inclined to hold any petty feffions therein.

Directions for
conftituting
the penitentiary
houfe.

XXIV. And be it further enacted, That in the conftituting of the faid new penitentiary houfe, the following directions fhall be particularly attended to by the faid commiffioners; (that is to fay), it fhall be formed into two general divifions, one for the confinement of male, the other of female convicts, and of fuch dimensions as fhall appear fufficient for the reception of each clafs of prifoners hereby intended to be confined in it; and fuch general divifions fhall be farther fubdivided into diftinct cells for each individual, with apartments for labour, and airing grounds, fo difpofed as fhall appear beft adapted to promote the purpofes of punifhment by folitude and labour; and there fhall be a bath, infirmary, and chapel, particularly appropriated to the ufe of the faid penitentiary houfe, or to which the prifoners therein confined can have all neceffary accefs.

Materials
vetted in the
commiffioners.

XXV. And be it further enacted, That all timber, ftone, and brick, and other materials to be made ufe of, or which fhall

shall be collected to be made use of, by order of the said commissioners, or any five or more of them, for building and completing any gaol, penitentiary house, house of correction, or other building or work carrying on for the purposes of this act, and which may not be the immediate property of their agents and contractors, shall be vested in the said commissioners, and they, or any five or more of them, are hereby authorized and impowered to bring, or cause to be brought, any action or actions, in the name of their clerk, or to prefer or cause to be preferred any bill or bills of indictment, against any person or persons who shall steal, take away, or damage any such materials, or disturb them in the possession thereof.

XXVI. And be it further enacted, That if any person or persons shall wilfully and maliciously obstruct the erecting, building, or repairing any gaol, house of correction, boundary wall thereof, or other building hereby directed to be built, or wilfully or maliciously pull down, damage, or destroy the same, or any part thereof, every person so offending, and being lawfully convicted, shall be subject and liable to the like pains and penalties as in cases of felony, and the court by and before whom any such person shall be tried and convicted shall have power and authority to cause such person to be punished in like manner as felons are directed to be punished by the laws and statutes of this realm.

For punishing persons obstructing or damaging buildings, &c.

XXVII. And whereas, in case of building the said new gaol on the site of the present gaol for the county of Gloucester, it may be necessary to provide a temporary gaol for the said county; be it therefore further enacted, That in such case it shall and may be lawful for the sheriff of the said county to remove the prisoners in the said present gaol to such house or houses of correction, or other places of confinement, within the same county, as the justices of the peace for the same county shall, at any general or quarter sessions of the peace, appoint, which house or houses of correction, or other proper place of confinement, shall be deemed the common gaol for the said county, until the said new gaol be built, and the prisoners in the custody of the sheriff therein shall be removed therefrom, under the directions hereinafter given for that purpose.

For providing a temporary gaol, if necessary.

XXVIII. And be it further enacted, That when the said new gaol shall be finished, it shall be the common gaol for the county of Gloucester, and shall from time to time be repaired and supported by the same ways and means as county gaols in England are by law to be repaired and supported, and the sheriff of the said county for the time being shall have the keeping thereof; and when the said new gaol shall be fit for the reception of prisoners, the said commissioners, or any five or more of them, shall cause notice thereof to be given to the sheriff of the said county, who shall with all convenient speed remove to such new gaol all such prisoners as shall be in his custody, which removal shall not be deemed or taken to be an escape.

Prisoners to be removed to the new gaol.

XXIX. And be it further enacted, That when and as soon

Justices power
over the new
houses of cor-
rection.

17 Geo. 2.
c. 5.

as the said five new houses of correction shall severally and respectively be completely erected and built, they shall be fitted up and furnished, by order of the said commissioners, or any five or more of them, as houses of correction are directed to be, by an act passed in the seventeenth year of his late majesty King George the Second, (intituled, *An act to amend and make more effectual the laws relating to rogues, vagabonds, and other idle and disorderly persons, and to houses of correction;*) and so soon as such houses of correction, or any of them respectively, shall be fit for the reception of offenders, the justices of the peace for the county of *Gloucester* shall have the like power and authority over the same respectively, as they have, by virtue of any law now in force, over those already erected or provided within the same county; and the said justices, at their first general or quarter sessions after each of the said new houses of correction shall be so completely erected and furnished, shall frame a body of orders and regulations for governing and regulating the same respectively, and for employing, relieving, and punishing the persons therein, according to the true intent and meaning of the said last mentioned act, and shall then declare the same respectively to be fit for the reception of offenders, and shall make such order for using the same accordingly, and for transferring offenders from the present houses of correction, as the successive completion of the said new houses of correction shall make proper, and the nature of the case shall require; and when all the said new houses of correction shall be completed, the old houses of correction for the said county shall no longer be used as such; and all the said new houses of correction shall, from the time of their being first used as such, together with the buildings, aqueducts, easements, and appurtenances thereto belonging, be repaired and supported in the same manner as houses of correction ought to be by the laws and statutes of the realm.

Justices may
appoint a
surgeon and
apothecary.

XXX. And be it further enacted, That the justices of the peace, at their general or quarter sessions for the said county of *Gloucester*, may, if they think fit, appoint an experienced surgeon or apothecary to attend the said penitentiary house, and each of such new houses of correction, at a stated salary, and may remove him, or vary his salary, from time to time; and every surgeon or apothecary so appointed, shall and is hereby directed to report to the said justices, at every general or quarter sessions, a state of the health of the prisoners under his care.

Penitentiary
house to be
under ma-
nagement of
the justices.

XXXI. And be it further enacted, That when the said penitentiary house for the county of *Gloucester* shall, under the powers aforesaid, be erected and fitted up, so as to be ready for the reception of offenders, it shall be under the care and management of the justices of the peace of the said county for the time being, and shall from time to time be maintained, supported, and repaired by such ways and means, and in such manner, as houses of correction in this kingdom are by law directed to be; and as soon as proper officers, with rules and regulations for the govern-

government of the same, shall be appointed and made by the justices of the peace for the said county, at their general or quarter sessions, under the powers herein-after given them, the clerk of the peace for the said county shall, by order of the said justices, make certificate thereof to the justices of assize at the next ensuing assizes for the said county, or as soon after as conveniently may be; and from the time of receiving such certificate by such justices of assize, the said penitentiary house shall be made use of as a penitentiary house for the county of Gloucester, for the reception and custody of such offenders as are herein-after mentioned; (that is to say), where any person hath been or shall be, at any session of oyer and terminer, or gaol delivery, or at any assize, or any general or quarter sessions of the peace for the county of Gloucester, lawfully convicted of any crime or offence, for which he or she shall, by virtue of any statute now in force, or hereafter to be made, be liable to be imprisoned and kept to hard labour within any gaol, house of correction, or other proper place, within the said county, or where any such imprisonment and labour shall at any time be legally ordered as a condition of his Majesty's royal mercy extended to any capital or transportable convict, it shall be lawful for the court before which any such person shall be so convicted, or any court held for the said county, with like authority, or in the case of any offender who shall be so allowed the benefit of a conditional pardon, if no such court shall be sitting, for any judge or justice of the court by or before whom such offender shall have been convicted, to order and adjudge that such person shall be punished by being imprisoned and kept to hard labour in the said penitentiary house, for any term not exceeding the term for which such person was liable to be imprisoned and kept to hard labour in any gaol, house of correction, or other proper place, within the said county of Gloucester.

XXXII. *And whereas difficulties frequently occur, which delay the carrying into execution sentences and orders of transportation of convicts to places beyond the seas, from whence great inconveniences arise to the said county of Gloucester, be it therefore further* enacted, That when and as soon as, and at any time after such certificate shall be made by the clerk of the peace for the said county as aforesaid, it shall be lawful for the sheriff or gaoler for the said county, having custody of any offender remaining under sentence of transportation beyond the seas, to cause every such offender to be conveyed to the said penitentiary house, there to remain until he or she be transported, or otherwise removed, according to law, or until he or she, by the expiration of the term of such transportation, or otherwise, shall be entitled to his or her liberty; and the governor of the said penitentiary house shall have the custody of every such offender during his or her confinement therein, and every such offender shall be subject to the discipline, regulations, and restrictions herein-after provided, or directed to be provided, for employing, governing, and treating all offenders therein confined:
provided

In what cases transportable persons may be conveyed to the penitentiary house.

provided always, and it is hereby exprefsly declared, That the time during which fuch offender fhall fo continue confined by virtue of this act, fhall be reckoned in difcharge, or part of difcharge, or fatisfaction, of the term of his or her transportation.

A proportion of offenders may be fent to the national penitentiary houfe.

XXXIII. Provided always, That notwithstanding a penitentiary houfe is by this act provided for the county of *Gloucefter*, there fhall or may be fent from the fame county, to the national penitentiary houfes to be erected under the faid act of the nineteenth year of his prefent Majefty, or to any other place of reception for transportable or other convicts, that may hereafter be provided in lieu thereof, the fame proportion of offenders, in refpect of the circuit to which the faid county belongs, as if this act had not been made.

How offenders adjudged to hard labour fhall be conveyed to the penitentiary houfe.

XXXIV. And be it further enacted, That when any offender fhall be adjudged to be kept to hard labour in the faid penitentiary houfe for the county of *Gloucefter*, the clerk of affize, or other clerk of the court in which fuch offender fhall be convicted, fhall give to the fheriff or gaoler having the cuftody of fuch offender, a certificate in writing, containing an account of the christian name, furname, and age, of fuch offender, of his or her offence, of the court before which he or fhe was convicted, and of the term for which he or fhe fhall be fo ordered to hard labour; and fuch fheriff or gaoler fhall forthwith, after receiving fuch certificate, convey fuch offender to the faid penitentiary houfe for the county of *Gloucefter*, and fhall deliver him or her, together with fuch certificate, to the governor of the faid penitentiary houfe, to be appointed in manner herein-after mentioned; and in cafe the office of governor of the faid penitentiary houfe fhall happen to be diftinct and feperate from the office of gaoler, every fuch governor, or the perfon or perfons acting for him, fhall, under his or their hand or hands, give a proper receipt in writing to fuch fheriff or gaoler, which fhall be his fufficient difcharge; and fuch governor fhall tranfmit fuch certificate to the clerk of the peace for the faid county of *Gloucefter*, who fhall file or preferve it with the records of the fefions.

County rates may be mortgaged for the expences of the act;

XXXV. *And, for defraying the expence of building the faid new gaol, penitentiary houfe, and houfes of correftion, for the county of Gloucefter, and of otherwife carrying this act into execution,* be it further enacted, That it fhall be lawful for the faid commiffioners, at any meeting at which feven at leaft fhall be prefent, from time to time to borrow and take up, on mortgage of the county rates for the county of *Gloucefter*, by inftruments in the form contained in the fchedule hereunto annexed, fuch fum or fums of money as to them fhall appear neceffary and expedient for the purpofes aforefaid, at legal or lower intereft, in feperate and fpecifick fums, not exceeding one hundred pounds each, and to take and receive any part of the fum or fums of money, fo appearing neceffary and expedient for the purpofes aforefaid, of any perfon or perfons willing to pay or advance the fame, upon

or money raifed by annuities.

upon annuities for any term of years, not exceeding twenty-five years, or for the life of the purchaſer, and thereupon to charge the ſaid county rates for the county of *Glouceſter*, with ſuch annuities, by inſtruments in the form alſo contained in the ſaid ſchedule; and every ſuch mortgage for the ſecuring the payment of any principal money and intereſt, and every ſuch charge for ſecuring the payment of any ſuch annuity, ſhall be ſigned by the chairman, and three others at leaſt of the ſaid commiſſioners, at a meeting held under this act; and all ſuch mortgages and charges, or ſecurities, ſhall be clear of all fees and expences from the perſon ſo advancing the money, and copies thereof ſhall be entered in a book or books to be kept by the clerk to the ſaid commiſſioners; and all perſons to whom ſuch mortgages and charges, or ſecurities, ſhall be given, are hereby impowered, by indorſing their reſpective names on the back thereof, as in the caſe of promiſſory notes without ſtamps, or by writing or writings executed under his or their hand and ſeal; to transfer, or bargain, ſell, and aſſign the ſame, and his, her, or their right to the principal money and intereſt, or annuity or annuities, thereby ſecured, to any perſon or perſons whomſoever; who ſhall thereupon be entitled to the benefit thereof and payment thereon, and he, ſhe, or they may, in like manner, transfer, or bargain, ſell, and aſſign again, and ſo *toties quoties*; and all and every perſon or perſons, to whom ſuch mortgages and charges, or ſecurities, or transfers or aſſignments thereof, ſhall be made, ſhall be creditors on the ſaid county rates for the county of *Glouceſter*, equally one with another, without any regard to priority of date of any ſuch mortgage, charge, or ſecurity; but no annuity or annuities ſhall be granted for the life of any one perſon, for any ſum exceeding one hundred pounds *per annum*; and all transfers, ſales, and aſſignments of annuities, ſhall (previous to any ſubſequent demand of payment in reſpect of the ſame) be notified to the ſaid clerk, who ſhall cauſe an entry to be made, ſpecifying the date thereof, and parties thereto, in the book or books containing the original entry of the ſecurity, and ſhall be paid for each ſuch entry one ſhilling and ſixpence, and no more; and which ſaid book or books may, at all reaſonable times, be peruſed and inſpected by the creditors on the ſaid rates, without fee or reward.

Securities
may be aſ-
ſigned.

XXXVI. Provided always, That the ſaid commiſſioners ſhall not proceed to treat and agree for any annuity or annuities as aforeſaid, until publick advertiſement, containing the terms of their propoſals, and time of treating and agreeing for the ſame, ſhall have been inſerted in ſome publick newſpaper circulating as aforeſaid, at leaſt fourteen days before ſuch time of treating; and all ſuch agreements ſhall be made in open committee, to which all contributors to the county rates ſhall have free acceſs, and the beſt bidder for every annuity ſhall be accepted as purchaſer thereof; but no annuity for twenty-five years ſhall be granted

Notice to be
given of in-
tention to
grant annui-
ties.

granted for lefs than thirteen years purchase, and fo in proportion for any annuity for a leffer number of years.

XXXVII. *And, in order effectually to fecure the regular and punctual difcharge of the intereft on the principal fums fo to be borrowed on mortgage, and the growing payment of the faid annuities, and further to provide for the paying off of fuch principal fums, be it further enacted, That the faid commissioners, or any five or more of them, may and fhall, in every year after the paffing of this act, till the whole of the principal fums herein-before authorized to be borrowed fhall have been repaid, with all intereft for the fame, receive the fum of two thoufand pounds out of the county rates for the faid county of Gloucefter, for which purpose they fhall in every year make one or more order or orders upon the treafurer of the faid county, for payment of the faid fum of two thoufand pounds, either in one entire fum, or in parcels to the treafurer of the faid commissioners; and the treafurer of the faid county fhall accordingly pay fuch fum or fums, in conformity to the faid order or orders, or as foon after as his receipts from the faid county rate fhall enable him; and the juftices of the peace for the faid county fhall, from time to time, at their general or quarter feffions, make fuch provision for augmenting the faid county rate as the additional annual charge thereon, created by this act, fhall require: and, in order to facilitate the payment of the intereft on the faid principal fums fo to be borrowed, and of the faid annuities, the faid commissioners, or any five or more of them, are hereby required to appoint a day or days in each year on which the intereft of the faid principal monies, and the growing payments of the faid annuities, as they fhall refpectively become due, fhall from time to time be difcharged, at the office of their treafurer, and which he is to pay accordingly, without fee; and the faid commissioners, or any five or more of them, fhall, and they are hereby required, within ten days previous to fome one fuch day of payment in every year, to adjust and fettle all books of account relative to the trust, in fuch manner that it may eafily be feen what principal fums have been difcharged, and what annuities or intereft fhall be growing due, and thereupon to make order for the regular difcharge of the fame; and the faid books, when fo adjusted and fettle, fhall be figned by the faid commissioners, or any three or more of them, prefent at fuch meeting, and fhall be kept by the clerk to the faid commissioners, and at all convenient feafons be open to the infpection of all perfons being creditors on the faid county rate, or affeffed to the poors rates within the county of Gloucefter, they paying to fuch clerk fuch fee for infpecting the fame, as is herein-before directed to be paid him for the infpection of the books of proceedings of the faid commissioners.*

XXXVIII. *And whereas it is intended that all the faid mortgages or fecurities for the payment of any principal money fhall be liable to be difcharged by the gradual operation of a finking fund, without any partiality*

Money to difcharge intereft on mortgages, and to pay annuities, to be taken out of county rates.

partiality or preference; be it therefore enacted, That as soon as the said new gaol and penitentiary house, and new houses of correction, shall be completed, and before any money shall be applied in discharge of any such mortgages as herein-after directed, the said commissioners, or any five or more of them, shall appoint a general meeting of commissioners, of which fourteen days notice shall be given in some newspaper circulating as aforesaid, and to which all mortgages under this act shall be admitted; and all the said mortgages shall then and there be drawn by lot, by order of the commissioners present, and numbered according to the event of such drawing; and the mortgages so drawn and numbered shall be regularly discharged in succession, according to priority of number.

Mode for discharging mortgages.

XXXIX. And be it further enacted, That the said annual sum of two thousand pounds to be raised out of the said rate for the county of *Gloucester*, shall, by order of the said commissioners, or any five or more of them, from time to time be applied in manner following; (that is to say), a sufficient part thereof shall in the first place be applied in paying all charges and expences incident to and attending the obtaining and passing this act, and in the next place in keeping down the interest of the said principal sums so to be borrowed, and in paying the annuities so to be granted in manner aforesaid, and the surplus shall be applied in discharging the expences of erecting, fitting up, and furnishing the said new gaol, penitentiary house, and new houses of correction for the said county; and when such last mentioned expences shall be entirely discharged, then such surplus shall be applied as a sinking fund, for the gradual discharge of the principal sums borrowed as aforesaid.

Application of the annual sum to be raised, &c.

Expence of passing this act; keeping down the interest, and paying the annuities; expences of the gaol, &c.; surplus for a sinking fund.

XL. And, for establishing and enforcing a proper police within the said new gaol for the county of *Gloucester*, be it further enacted, That before the opening of the said new gaol for the reception of prisoners, a body of rules, orders, and regulations, as by laws for the government of the said new gaol, and of the prisoners to be therein confined, shall be framed, made, and confirmed, by such persons, and in such manner, as is appointed for county gaols in general by a statute of the thirty-second year of his late majesty King *George the Second*, intituled, *An act for relief of debtors with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the act, to make discovery of, and deliver upon oath, their estates for their creditors benefit*; and in the same rules, orders, and regulations, proper and particular directions shall be given for effectuating such separation and classing of prisoners as is hereinbefore directed in appointing how the same gaol shall be constructed, with such further separation and classing as shall be thought requisite, and also as well for enforcing amongst the prisoners, cleanliness, temperance, and a decent and orderly behaviour, as for securing a just and humane treatment of them by the gaoler, and his servants; and all directions contained

For establishing a police in the new gaol.

32 Geo. 2. c. 28.

in

in the faid act, refpe&ting fuch rules and orders, fhall be exactly conformed to.

19 Car. 2. c. 4.
recited.

XLI. *And whereas, by an act of the nineteenth year of King Charles the Second, intituled, An act for relief of poor prifoners, and fetting them on work, after reciting that there was not any fufficient provifion made for the relief and fetting on work of poor and needy perfons committed to the common gaol for felony and other mifdemeanors, who many times perifh before their trial, and the poor there living idly and unemployed, become debauched, and come forth instructed in the practice of thievery and lewdnefs, it is enacted, That the juftices of the peace, in their refpective counties, at any their general feflions, if they fhall find it needful fo to do, may provide a flock of fuch materials as they find convenient for the fetting poor prifoners on work, in fuch manner and by fuch ways as other county charges may be levied and raifed, and to pay and provide fit perfons to overfee and fet fuch prifoners on work, and make fuch orders, for accounts of and concerning the premifes, as fhall by them be thought needful, and for punifhment of neglects and other abufes, and for beftowing of the profits arifing by the labour of the prifoners fet on work for their relief, which fhall be duly obferved; and may alter, revoke, or amend fuch their orders from time to time, provided that no parifh be rated above fixpence by the week towards the premifes, having refpect to the refpective values of the feveral parifhes: and whereas the provifion of the faid recited ftatute is very fit to be executed with refpect to fuch prifoners therein defcribed, as fhall be confined in the faid new gaol for the county of Gloucefter, with an extension thereof to all other prifoners inclined to take the benefit thereof, and alfo an increafe of the fum limited by the faid act, for defraying the expence of executing the fame; be it therefore enacted, That the juftices of the peace for the faid county of Gloucefter fhall have authority to execute the faid recited provifion in the faid laft mentioned act, for fetting poor perfons on work, as well in regard to fuch perfons as are therein defcribed, as in favour of all other prifoners within the faid new gaol, who may at any time be inclined and willing to work, and for that purpofe are hereby authorized, at any general or quarter feflions of the peace for the faid county, or at any adjournment thereof, to direct the payment of fuch fums of money, out of the county rate for the faid county, as they fhall from time to time think fit to be expended in executing the provifion of the faid laft mentioned act, according to the extension thereof, hereby made.*

Prifoners in
the gaol may
be fet to work.

Recital of an
act 14 Eliz.

XLII. *And whereas, by an act of the fourteenth year of Queen Elizabeth, intituled, An act how vagabonds fhall be punifhed, and the poor relieved, as alfo by the above mentioned act of the thirty-second year of King George the Second, fome provifion is made for the relief of prifoners; but, notwithstanding the humane purpofes thereby intended, the health of prifoners is frequently fo affected, by want of neceffary food, as to render them incapable of labour when releafed; and therefore it may be expedient to have a new and more extenfive provifion in favour of fuch poor prifoners as fhall be confined in the faid gaol for the county of Gloucefter, and have not any means*

of

of acquiring neceffary fufenance; be it therefore enacted, That, from and after the paffing of this act, it fhall be lawful for the juftices of the peace for the faid county of Gloucefter, at their general or quarter feffions, or any adjournment thereof, from time to time to order fuch fum or fums of money to be paid out of the county rate of the faid county, towards affifting fuch prifoners of every defcription, as, being confined within the faid gaol, are not able to work, or being able, cannot procure employment fufficient to fustain themfelves by their induftry, or who may not be otherwife provided for by virtue of any law or ftatute, or of any custom or order, fuch food and raiment as the faid juftices fhall from time to time think neceffary for the fupport of health, and fuch money fhall accordingly be applied in conformity to direCTIONS to be given by the faid juftices.

Juftices may order food and raiment neceffary for fupport of health.

XLIII. *And, for regulating the faid penitentiary houfe for the county of Gloucefter, and fettling the government and police thereof,* be it further enacted, That previously to the opening of the faid penitentiary houfe for the reception of offenders, the juftices of the peace for the faid county fhall, at one or more general or quarter feffions for the faid county (at which feven at leaft fhall be prefent), appoint a governor or task-mafter of the faid penitentiary houfe, and fuch other officers, and with fuch falaries and allowances for the faid governor and other officers, as they the faid juftices fhall deem neceffary; and afterwards the juftices of the peace for the faid county fhall from time to time have power, at their general or quarter feffions, or any adjournment thereof, to appoint and remove the governor and other officers of the faid penitentiary houfe, and to appoint others in their ftead, and to increafe or diminifh the number of the officers, exclufive of the governor, and alfo to alter the falaries and allowances of fuch governor and other officers, as the faid juftices fhall from time to time find convenient; and in fixing the falary and allowance of fuch governor or task-mafter, the juftices fhall have regard, fo far as may be, to the making the emoluments of the office depend on the quantity of work done and performed in fuch penitentiary houfe, that it may become the intereft as well as duty of fuch governor or task-mafter to fee that all perfons under his cuftody be regularly and profitably employed; and further, fuch governor and other officers fhall give fuch fecurity for the performance of their refpective duties, as the faid juftices from time to time, at any fuch general or quarter feffions, fhall appoint; and fuch governor and other officers, for any negligence or mifbehaviour in their refpective offices, may either be proceeded againft on the fecurity fo to be given, or fhall be fineable by the juftices of the peace for the faid county, at any general or quarter feffions, in the fame manner as the governor of any houfe of correction is fineable, by juftices of the peace, by an act paffed in the feventh year of King James the Firft, intituled, *An act for the due execution of*

For regulating the penitentiary houfe, and police thereof.

7 Jac. I. c. 4.

and

and sturdy beggars, and other lewd and idle persons, or by the aforefaid act of the feventeenth year of King George the Second; and if any governor of any penitentiary houfe, being removed by any order of the faid justices at their general or quarter feffions, or any adjournment thereof, fhall refufe or neglect to quit the poffeffion of the faid penitentiary houfe, for forty-eight hours next after notice given to him in writing by the clerk of the peace for the county of Gloucefter, any two or more justices of the peace for the faid county, upon proof before them of fuch order of removal, fuch notice thereof, and fuch neglect or refusal to comply with the fame, may, by warrant under their hands and feals, direct the fheriff of the faid county to remove fuch governor out of the faid penitentiary houfe, and the fheriff fhall accordingly clear the poffeffion thereof in like manner as upon a writ of *Habere Facias Poffeffionem*.

Justices to
make bye-
laws and or-
ders respect-
ing the peni-
tentiary
houfe.

XLIV. And be it further enacted, That, previous to the opening of the faid penitentiary houfe for the reception of offenders, the justices of the peace for the faid county of Gloucefter fhall, and they are hereby authorifed and required, at fome general or quarter feffions for the faid county, to make fuch bye-laws, rules, and orders, for receiving, feparating, claffing, dieting, cloathing, maintaining, employing, reforming, governing, managing, treating, and watching all offenders, during their refpective confinement in the faid penitentiary houfe, and alfo for adjusting what aid fhall be given to them, as well during fuch confinement as on their being releafed, as to the faid justices fhall feem moft fit and proper; but no fuch bye-laws, rules, and orders, fhall be made at any fuch feffions, unlefs feven justices at leaft fhall be prefent; and in making fuch bye-laws, rules, and orders, the faid justices fhall have regard to the difcipline, provifions, and direCTIONS, contained in the aforefaid act of the nineteenth year of his prefent Majefty, for explaining and amending the laws relating to the transportation, imprifonment, and other punifhment of certain offenders, concerning the two national penitentiary houfes therein mentioned, as nearly as to the faid justices fhall appear to be confiftent with the more limited defign of the penitentiary houfe for the county of Gloucefter; and further, fuch bye-laws, rules, and orders, fo to be made as aforefaid, fhall not begin to have force till they have been fubmitted to the justices of affize, at the affizes which fhall be holden for the faid county next after the making of fuch bye-laws, rules, and orders, or at fome fubfequent affizes, and the faid justices of affize fhall have fubfcribed a declaration, that they do not fee any thing contrary to law in the faid bye-laws, rules, and orders, fo to be made as aforefaid, and all fuch bye-laws, rules, and orders, fhall be afterwards added to or altered, from time to time, as often as the faid justices of the peace for the faid county, at any general or quarter feffions (at which feven at leaft fhall be prefent) fhall think neceffary, and fuch additions or alterations fhall alfo in like manner be fubmitted to the justices of affize, at any affizes for

19 Geo. 3.
c. 74.

for the ſaid county, in manner aforeſaid; but nothing herein contained ſhall extend, or be conſtrued to extend, to deprive any convict confined in the ſaid new gaol or penitentiary houſe, of the benefit of any weekly or other allowance which has uſually been, or hereafter may be granted or made, by virtue of any law, ſtatute, cuſtom, or order, for the purpoſe of maintaining and ſupporting convicted priſoners; provided only, that the application of all and every ſuch allowance ſhall be ſubject to ſuch limitations and reſtrictions as may be contained in the bye-laws, rules, and orders, herein directed to be made for the government and police of the ſaid gaol and penitentiary houſe.

XLV. And be it further enacted, That the governor of the ſaid new penitentiary houſe, and his aſſiſtants, ſhall have the ſame powers over the offenders to be confined therein as are incident to the office of a ſheriff, or of a gaoler, and in like manner be answerable for the eſcape of any offender within his cuſtody; and moreover the ſaid governor ſhall have power to hear complaints, and examine any perſons touching offences, and determine and puniſh the ſame (except by whipping) in ſuch and the ſame manner as the governor of each penitentiary houſe directed to be built by the ſaid act of the nineteenth year of his preſent Majeſty, is by the ſame act impowered to do; and in caſe of the repetition of ſuch offences, or in caſe of offences more enormous, which the ſaid governor of the ſaid new penitentiary houſe is not by this act impowered to puniſh, the ſaid governor ſhall report the ſame to the viſiting juſtices of the ſaid penitentiary houſe, or one of them, for the time being, to be appointed as herein-after is directed; and ſuch juſtices, or one of them, ſhall have power to enquire upon oath, and determine concerning all ſuch offences ſo reported to them, and ſhall order ſuch offenders to be puniſhed in ſuch and the ſame manner as the committee appointed by the ſaid laſt-mentioned act are thereby impowered to do reſpecting offenders and offences in each of the penitentiary houſes thereby directed to be built; and if any perſon ordered to hard labour in the ſaid penitentiary houſe for the county of *Glouceſter* ſhall, at any time during the term for which he or ſhe ſhall be ſo ordered, break priſon, or ſhall eſcape from the ſaid penitentiary houſe, or in the conveyance to the ſame, or from the perſon or perſons having the lawful cuſtody of ſuch offender; or if any perſon ſhall reſcue any offender, who by force of this act ſhall be ordered to hard labour in the ſaid penitentiary houſe for the county of *Glouceſter*, either during his or her conveyance thereto, or whiſt ſuch offender ſhall be in the cuſtody of the perſon or perſons under whole care and charge he or ſhe ſhall be confined; or if any perſon ſhall be aiding or aſſiſting in any ſuch reſcue; or if any perſon, having ſuch cuſtody as an aſſiſtant, ſhall voluntarily or negligently permit ſuch offender to eſcape; or if any perſon ſhall, by ſupplying arms, tools, inſtruments, or means of diſguiſe, or otherwiſe in any manner aid or aſſiſt any ſuch offender

fender in any eſcape, or in any attempt to make an eſcape, though no eſcape be actually made; every ſuch offence as aforeſaid ſhall be puniſhed in the ſame manner as the like offence would be puniſhable under the before-mentioned act of the nineteenth year of his preſent Majeſty, directing two national penitentiary houſes to be built, if ſuch had been committed by or in reſpect to any perſon ordered to hard labour in either of the ſaid two penitentiary houſes therein mentioned.

Proviſions of Act 19 Geo. 3. relating to eſcapes, &c. to be extended to the penitentiary houſe.

XLVI. And be it further enacted, That the proviſion made in and by the ſaid act of the nineteenth year of his preſent Majeſty, for carrying on proſecutions for eſcapes, attempts to eſcape, breaches of priſon, and reſcues, in the caſe of perſons adjudged to either of the ſaid penitentiary houſes thereby directed to be built, ſhall extend and be applied to any proſecution for any eſcape, attempt to eſcape, breach of priſon, or reſcue, in the caſe of any perſon who, under this act, ſhall be adjudged to the ſaid penitentiary houſe for the county of *Glouceſter*.

Expences of the penitentiary houſe to be paid out of the county rate.

XLVII. And be it further enacted, That from time to time, and at all times after firſt opening the ſaid penitentiary houſe for the county of *Glouceſter*, for the reception of offenders, the expences of repairing the ſame, with the buildings, eaſements, and appurtenances thereto belonging, and of providing proper implements, with ſtock of materials for work, to be uſed therein, and the ſalaries and allowances to the governor and other officers thereof, together with the aid, adjusted as aforeſaid, to be given to priſoners, as well during their confinement, as on their being releaſed, and all other charges and expences neceſſary for ſupporting the ſaid penitentiary houſe, in conformity to the directions and intent of this act, ſhall be paid out of the county rate, by the treaſurer of the county of *Glouceſter*, and the juſtices of the peace for the ſaid county ſhall, from time to time, make proviſion for the ſame out of the county rate; and the ſaid penitentiary houſe ſhall, in all other reſpects not herein particularly provided for, be conſidered as a houſe of correction for the county of *Glouceſter*, and be ſubject to the various ſtatutes and proviſions made and now in force, for the managing, regulating, and repairing houſes of correction.

Juſtices to be appointed to inſpect the gaol, &c.;

XLVIII. And, for better preventing all abuſes, as well in the ſaid new penitentiary houſe as in the ſaid new gaol, and new houſes of correction, for the ſaid county of *Glouceſter*, the juſtices of the peace ſhall, at every *Michaelmas* general or quarter ſeſſions which ſhall be holden for the ſaid county, after the beginning to receive offenders in the ſaid gaol, penitentiary houſe, and houſes of correction, reſpectively appoint two or more juſtices viſitors of the ſaid new gaol and penitentiary houſe, and of the ſaid houſe of correction contiguous thereto, and alſo two or more other juſtices viſitors for each of the ſaid four other houſes of correction; and ſuch viſiting juſtices, ſo reſpectively appointed, ſhall, either together or ſingly, perſonally viſit and inſpect each ſuch priſon at leaſt three times in each quarter of a year, and oftener if occaſion ſhall require, and ſhall examine

into

into the ſtate of the buildings, the behaviour and conduct of the reſpective officers, and the treatment and condition of the priſoners, the amount of their earnings, and the expences attending each priſon reſpectively, and in matters of preſſing neceſſity, and within the powers of their commiſſion as juſtices, ſhall take cognizance therein, and proceed to regulate and redreſs the ſame; and at every general or quarter ſeſſions of the peace, the ſaid viſiting juſtices reſpectively ſhall make a report in writing of the ſtate and condition of the ſaid new gaol, penitentiary houſe, and new houſes of correction, and of all abuſes which may occur to their obſervation therein; and the chairman of the ſaid ſeſſions is hereby required to call upon the ſaid viſitors for ſuch report; and further, it ſhall be lawful for every juſtice of the peace for the ſaid county, of his own accord, and without being appointed a viſitor, to enter into the ſaid new gaol, penitentiary houſe, and houſes of correction, reſpectively, and to examine the ſame, at ſuch time or times, and as often as he ſhall think fit, and if he ſhall diſcover any abuſes therein, he is hereby required to report them in writing at the next general or quarter ſeſſions of the peace which ſhall be holden for the ſaid county; and when and as often as report of any abuſes in the ſaid gaol, penitentiary houſe, and houſes of correction, or either of them, ſhall be made by the ſaid viſiting juſtices, or either of them, or by any other juſtice of the peace for the ſaid county, the abuſes ſo reported ſhall be taken into immediate conſideration by the juſtices of the peace for the ſaid county, at the general or quarter ſeſſions at which ſuch report ſhall be made, and they are hereby required to adopt the moſt effectual meaſures for enquiring into and rectifying ſuch abuſes as ſoon as the nature of the caſe will allow.

and report to
the ſeſſions.

XLIX. And be it further enacted, That no keeper of the ſaid new gaol, or governor of the ſaid penitentiary houſe, nor any perſon or perſons in truſt for or employed by ſuch keeper or governor, or who ſhall have any office or employment as aſſiſtant, or otherwiſe, under ſuch keeper or governor, ſhall ſell, or be capable of being licenſed to ſell, or have any benefit or advantage whatſoever, directly or indirectly, from the ſale of any wine, beer, ale, or other liquors, uſed in ſuch gaol or penitentiary houſe; and every perſon offending therein ſhall, on complaint made on oath, and conviction before one juſtice of the peace, forfeit and pay the ſum of ten pounds.

Keepers or
governors not
to ſell liquors
in the peni-
tentiary
houſe.

L. And whereas a conſiderable part of the emolument of gaoler or keeper of the gaol for the county of Glouceſter has uſually ariſen from fees paid to him by debtors and other perſons confined therein, and from incidental charges made by him on the county rate, on the diſmiſſion of priſoners, and on the removal of transports; and, by reaſon of neglect in regulating the ſaid fees, as directed by the aforeſaid act of the thirty-second year of King George the Second, they are become oppreſſive and burthenſome to poor priſoners, and ſuch charges on the county rate are liable to frequent abuſe; be it therefore enacted,

That the juſtices of the peace for the county of Glouceſter, aſ- ſemble a table of fees.

sembled at their general or quarter sessions, or at some special adjournment thereof, held for such express purpose, shall, and they are hereby required, within one year after the reception of prisoners in the said new gaol, to regulate and settle a table of fees and rates to be taken by the gaoler or keeper of the said gaol; and the said justices, so assembled as aforesaid, are hereby authorized and empowered, from time to time, to alter, vary, or totally disallow of all or any such charges and fees, and to order a copy of the table of fees, so regulated, to be hung up in the court of assize and quarter sessions for the said county, and another copy thereof to be transmitted to the said gaoler or keeper, who shall cause the same to be hung up in some conspicuous place within the said gaol; and all orders and directions contained in the said last mentioned act, respecting the table of fees and rates to be taken by gaolers or keepers of prisons, shall be conformed to as if the same were herein particularly enacted and repeated; and, by way of recompence for any diminution of emolument in the office of gaoler or keeper of the said new gaol, by means of any such regulation of fees, or by the disallowing any such charges on the county rate, or any part thereof, as well as for and in lieu of all or any part of the profits and emoluments that have usually arisen from the office of gaoler or keeper, the said justices, so assembled as aforesaid, are hereby further authorized and empowered to grant such salaries and allowances to the said gaoler or keeper, and to his assistants, as to the said justices shall appear reasonable and satisfactory, and from time to time to alter and vary the same as they shall think fit, and further to order and direct the said salaries and allowances to be paid out of the county rate by the treasurer of the said county, upon an order or orders signed by the chairman of any general or quarter sessions of the peace held for the said county, specifying the salary and allowance so directed to be paid: provided always, That no such regulation of fees and charges, or any subsequent alteration thereof, shall be made, nor shall any such salary and allowance, or any alteration thereof be fixed and determined at any general or quarter sessions, or special adjournment thereof, unless fourteen days public notice at the least shall have been given, by advertisement in some newspaper circulating as aforesaid, signed by the clerk of the peace, and specifying that such regulation of fees and charges, or such grant of salaries and allowances, will be taken into consideration; and no such regulation of fees and charges, or any subsequent alteration thereof, or any variation in such salaries and allowances, so granted, that may in anywise affect the sheriff or his officers, shall take place, or have effect, pending the continuance in office of the sheriff who shall be actually in commission at the time of making such regulation, or any alteration thereof, or of varying such salaries and allowances, unless such sheriff shall, by writing under his hand, consent thereto; and the said justices, in granting to any gaoler or keeper any such salary or allowance, may stipulate, as a condition

tion of the payment thereof, that he do regularly observe and keep the bye-laws, rules, and orders of the said gaol.

LII. And it is hereby further expressly provided, That no such salary and allowance shall be paid out of the said county rate to any woman, or other person incapable of executing the office in person, who may at any time be appointed gaoler or keeper of the said gaol; but in case any gaoler or keeper shall, from confirmed sickness, age, or infirmity, become incapable of so executing his office in person, the justices of the peace for the said county, at any their general or quarter sessions, at which seven at the least shall be present, shall take the circumstances of the case into their consideration, and if he shall be found to have executed his office with diligence, honesty, and fidelity, they are hereby impowered to grant him such an annuity as they, in their discretion, shall think proportioned to the merits and time of his service, not exceeding fifty pounds *per annum*, and may deduct the amount thereof from the salary allowed to the officiating gaoler or keeper, or, if they shall think fit, may order the payment of the whole, or any part thereof, out of the county rate for the county of *Gloucester*.

No allowance to be made to any person incapable of performing the office. Gaolers become infirm may have some allowance from the salary of the officiating gaoler.

LIII. And be it further enacted, That the justices of the peace for the county of *Gloucester* shall cause such sum or sums of money as may be necessary from time to time for all or any the purposes of this act, and as is or are hereby charged on the county rate, to be raised in the same manner as county rates are directed to be raised by an act made in the twelfth year of his late majesty King *George* the Second, *for the more easy assessing, collecting, and levying of county rates.*

Money charged on county rate, to be raised as directed by 12 Geo. 2. c. 29.

LIII. And be it further enacted, That all and singular the laws and statutes of this realm, which, from the nature of the case, can be applied to the said new gaol, penitentiary house, and houses of correction, for the county of *Gloucester*, or to the building, fitting up, and repairing the same respectively, or to the ordering, governing, and transferring prisoners to be confined therein, shall extend to the said new gaol, penitentiary house, and houses of correction, and prisoners, in the same manner as if the same laws and statutes were herein particularly enacted and repeated, and applied to the said new gaol, penitentiary house, and houses of correction.

All laws applicable to the purposes of this act, to be extended to it.

LIV. And be it further enacted, That all fines, forfeitures, and penalties inflicted by this act, or which shall be inflicted by virtue of any bye-law, rule, or order, to be made in pursuance thereof, the levying and recovering of which are not particularly herein directed, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of two justices of the peace for the county of *Gloucester*, who are hereby authorized to hear and examine witnesses on oath or affirmation, and determine the same; and all such respective fines, forfeitures, and penalties, by this act imposed and inflicted, or authorized to be imposed and inflicted, the application whereof is not herein before particularly directed, shall

Penalties and forfeitures how to be recovered and applied.

be paid from time to time to the treasurer of the said commissioners for the time being, so long as there shall be such an officer, and when, by the operation of this act, the office of treasurer to the said commissioners shall cease, then to the treasurer for the time being of the said county of *Gloucester*, and shall be applied and disposed of for the purposes of this act, and to or for no other use or purpose whatsoever; and the overplus of the money raised by such distress and sale, after deducting the penalty, and the expences of the distress and sale, shall be rendered to the owner of the goods distrained; and for want of sufficient distress, the offender shall be committed by such justices to some house of correction for the said county, for such term, not exceeding three calendar months, nor less than one calendar month, as such justices shall think proper.

How justices to proceed for conviction of offenders.

LV. *And, for the more easy and speedy conviction of offenders against this act*, be it further enacted; That all and every the justice or justices of the peace, before whom any person or persons shall be convicted of any offence against this act, shall and may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall happen; (*videlicet*):

Form of conviction.

BE it remembered, That on the _____ in the year
of our Lord one thousand seven hundred and _____
A. B. is convicted before me C. D. one of his Majesty's justices of the
peace for the county of _____ [specifying the offence,
and the time and place when and where the same was committed,
as the case shall be].

Given under my hand and seal, the day and year first above mentioned.

Appeals.

LVI. Provided always, and be it further enacted, That if any person shall think himself or herself aggrieved by any thing done in pursuance of this act, and for which no particular method of relief hath been already appointed, such person may appeal to the justices of the peace, at any general or quarter session of the peace to be holden for the county of *Gloucester*, within six calendar months after the cause of such complaint shall have arisen, such appellant first giving, or causing to be given, eight clear days notice at least, in writing, of his or her intention to bring such appeal, and of the matter thereof, to the justice or justices of the peace, before whom the conviction shall have been had, and to the clerk to the said commissioners, and within four days after such notice enter into recognizance, before some justice of the peace for the said county, with two sufficient sureties, conditioned to try such appeal, and abide the order of, and to pay such costs as shall be awarded by, the justices at such quarter session; and the justices at such session, upon due proof of such notice being given as aforesaid, and of the entering into such recognizance, shall hear and finally determine the causes and

and matters of fuch appeal in a *summary way*, and award fuch cofts to the parties appealing, or appealed againft, as they the faid juftices fhall think proper; and the determination of fuch quarter feffion fhall be final, binding, and conclufive to all intents and purpofes.

LVII. And be it further enacted, That no order made touching or concerning any of the matters in this act contained, or any proceedings to be had touching the conviction or convictions of any offender or offenders againft this act, fhall be quafhed for want of form, or be removed or removeable by *Certiorari*, or any other writ or procefs whatfoever, into any of his Majesty's courts of record at *Westminfter*; and that where any diftreff fhall be made for any fum or fums of money to be levied by virtue of this act, the diftreff itfelf fhall not be deemed to be unlawful, nor the party or parties making the fame be deemed a trefpaffer or trefpaffers, on account of any defect or want of form in the fummons, conviction, warrant of diftreff, or other proceedings relating thereto, nor fhall fuch party or parties be deemed a trefpaffer or trefpaffers *ab initio*, on account of any irregularity which fhall be afterwards done by the party or parties diftraiuing, but the perfon or perfons aggrieved by fuch irregularity fhall and may recover full fatisfaction for the fpecial damage (if any) in an action upon the cafe; but no plaintiff or plaintiffs fhall recover in any action for fuch irregularity as aforefaid, if tender of fufficient amends hath been made, by or on behalf of the party diftraiuing, before fuch action brought.

LVIII. And be it further enacted, That if any fuit or action fhall be profecuted againft any perfon or perfons, for any thing done in purfuanee of this act, fuch perfon or perfons may plead the general iffue, and give this act, or the fpecial matter, in evidence at any trial to be had thereupon, and that the fame was done by authority of this act; and if a verdict fhall pafs for the defendant or defendants, or the plaintiff or plaintiffs fhall become nonfuit, or difcontinue his, her, or their action or actions after iffue joined, or if, on demurrer or otherwise, judgement fhall be given againft the plaintiff or plaintiffs, the defendant or defendants fhall recover treble cofts, and have the like remedy for the fame as any defendants have by law in other cafes; and though a verdict fhall be given for any plaintiff, in any fuch action or fuit as aforefaid, fuch plaintiff fhall not have cofts againft the defendant, unlefs the judge, before whom the trial fhall be, fhall certify his approbation of the action, and of the verdict obtained thereupon.

LIX. And be it further enacted, That all actions, fuits, and profecutions, to be commenced againft any perfon or perfons for any thing done in purfuanee of this act, fhall be laid and tried in the county or place where the facts were committed, and fhall be commenced within fix calendar months after the fact committed, and not otherwife.

LX. And be it further enacted, That this act fhall be deemed a publick act.

Anno vicefimo quinto GEORGI II. C. 10. [1785.
a publick act; and be taken notice of as fuch in all courts, and
by all perfons whomsoever.

The SCHEDULE to which this Act refers.

Form of Mortgage upon the County Rates, for fecuring the
Money borrowed.

WE

*of the commissioners for executing certain powers in an act passed in
the twenty fifth year of the reign of his majesty King George the
Third, intituled, An act for building a new gaol, a penitentiary
houfe, and certain new houfes of correction, for the county of
Gloucefter, and for regulating the fame, being affembled at a meet-
ing, of which the said _____ is chairman,
held under the said act, at _____ on the
day of _____ one thousand seven hundred and _____
do hereby mortgage and charge all the rates to be raifed within the
said county, under the description of county rates, by the laws now in
being, with the payment of the fum of _____ which
_____ hath propofed and
agreed to lend, and hath now actually advanced and paid, towards
defraying the expence of building the said new gaol, penitentiary
houfe, and houfes of correction, and of otherwife carrying the said
act into execution; and we do hereby confirm and eftablifh the said
mortgage and charge bereby made unto the said
his executors, administrators, and affigns, for fecuring the repayment
of the said fum of _____ and intereft for
the fame, after the rate of _____ per centum per
annum, and do order the treasurer to the said commissioners to pay
the intereft of the said fum of _____ half-yearly, as the
fame fhall become due, until the principal fhall be difcharged, purfuant
to the direftions of the said act.*

Form of Charge upon the County Rates, for fecuring the
Annuities.

*WE, &c. [as in the form of the mortgage] do hereby, in con-
fideration of the fum of _____ which
of _____ hath propofed and agreed to pay, and hath
now actually advanced and paid, towards defraying the expence of
building the said new gaol, penitentiary houfe, and houfes of correc-
tion, and of otherwife carrying the said act into execution, charge and
make chargeable all the rates to be raifed within the said county, under
the description of county rates, by the laws now in being, with the
payment to the said _____ his executors, admini-
strators, and affigns, of one annuity or yearly fum of _____
for the term of _____ years [or, the life of the said
as the cafe may require]; and we do
bereby*

hereby confirm and eſtabliſh the ſaid annuity or yearly ſum unto the ſaid his executors, administrators, and aſſigns, and do order the treaſurer to the ſaid commiſſioners to pay the ſaid annuity or yearly ſum half-yearly, as the ſame ſhall become due, purſuant to the directions in the ſaid act.

C A P. XI.

An act for raiſing a certain ſum of money by loans or exchequer bills, for the ſervice of the year one thouſand ſeven hundred and eighty-five. — 1,500,000l. raiſed as by malt act of this ſeſſion.

C A P. XII.

An act for raiſing a further ſum of money, by loans or exchequer bills, for the ſervice of the year one thouſand ſeven hundred and eighty-five. — 1,000,000l. raiſed more as by malt act of this ſeſſion.

C A P. XIII.

An act for repairing the highways, bridges, and ferries, in the county of Perth.

C A P. XIV.

An act for draining and preſerving certain low lands, within the pariſh of Timberland, in the county of Lincoln.

C A P. XV.

An act to enlarge the term and powers of ſeveral acts relating to the harbour of Liverpool; and for making two additional docks and piers in or near the port of Liverpool.

Recital of 8 Annæ, c. 12. for making a dock at Liverpool, and enabling the truſtees to borrow 6,000l. Act 3 Geo. 1. for enlarging the term granted by the recited act, and for borrowing 4,000l. more. Recital of 11 Geo. 2. c. 32. for enlarging the term and powers of the former acts, and for borrowing 6,000l. more for making an additional wet dock and dry pier. Recital of an act 2 Geo. 3. for enlarging the term and powers of the former acts, and for borrowing 25,000l. for paying former debts, and building another dock. Recital that another wet dock, &c. hath been built purſuant to the ſaid act. 22,550l. now due to creditors. The preſent docks are not ſufficient to hold the ſhipping. Two other wet docks requiſite. Corporation of Liverpool have contracted to purchaſe the ſcite of ſeveral timber yards, and other ground, on the weſt ſide of Wapping ſtreet, there extending ſouthwardly from the duke of Bridgewater's yard and dock, up to Toxteth Park; out of which grounds to be appropriated, viz. beginning at the northerly boundary of Toxteth Park, and running from thence northwardly 260 yards; and from Wapping weſtwardly 115 yards for one dock; and for the other, a ſlip of the weſternmoſt part of the ſaid purchaſed premiſes, extending from the duke of Bridgewater's yard and dock ſouthwardly 386 yards, and in breadth 45 yards; for which, or ſo much as ſhall be ſo appropriated, the corporation to be paid in proportion to their purchaſe. And for a baſon for both the ſaid docks, it is agreed to appropriate a piece of waſte ground, lying to the weſtward of the former, extending from the duke of Bridgewater's dock and yard ſouthwardly 452 yards; from June 1, 1785, to be appropriated for the new docks and baſon. Power to the common council to erect two new docks.

The

Anno vicefimo quinto GEORGH III. C. 16. [1785.

The duties continued, from the expiration of the term in act 2 Geo. 3. for forty-one years. 70,000l. to be raised by virtue of this act, subject to all prior incumbrances. Application thereof, first for expences of the act, then to pay former debts, and after for making, erecting, building, and finishing such docks, piers, and other works, as this act directed; and for maintaining, &c. the three present wet docks, and the buoys and land-marks, beacons, or perches, &c. erected in pursuance of former, or this act, and to pay the purchase money to the corporation. One third of the duties to be paid for ever. Reservation to the corporation of the ground not used for the docks. Property of the docks, &c. vested in the trustees. Extension of all the clauses relating to the other docks, to the two intended docks, &c. Saving of rights of the corporation of Liverpool, and all other persons. Publick act.

C A P. XVI.

An act for taking down the present market house, and certain other buildings, in the town of Uxbridge, for the purpose of widening The High Street; and for paving the foot-ways, and lighting and cleansing the streets and other places within the said town, and removing and preventing nuisances and annoyances therein; and for changing the course of the road between Mercer's Bridge and High Bridge; and for rebuilding the said market house.

Powers of the act to be exercised by a majority of trustees, who may appoint officers, and allow them salaries, and to take security from their treasurer, and may treat for the purchase of houses, &c. Incapacitated persons impowered to sell and convey. If such persons refuse to treat, &c. a jury to be summoned. Jurors may be challenged. Verdict of jury, &c. to be binding; and to be registered. Sheriff, &c. neglecting his duty, may be fined 10l. jurymen 5l. On payment of purchase money, premises to be conveyed. On default thereof, or if any defect in the title, the purchase money to be placed out for the use of the persons entitled thereto. Purchase money for premises in settlement, to be laid out to the like uses. Trustees having obtained possession of houses, to cause the same to be pulled down, and materials sold, for the purposes of the act. After the street is widened, trustees to cause a market place to be set out, and market house built. New market house, when built, vested in the lords of the manor of Uxbridge. Power to change the course of the road. Pavements, &c. vested in the trustees. Trustees impowered to cause the streets to be paved, &c. No person to alter the pavement. Power to provide lamps. Penalty on wilfully breaking lamps, &c. not more than 40s. nor less than 10s. Persons accidentally breaking lamps, &c. to make good the damage. Signs, &c. to be regulated. Trustees not to remove trees, &c. where the carriage-way is thirty feet wide. Application of the money subscribed to pay expences, and the overplus (if any) to be laid out for the benefit of subscribers. Statute duty and composition, and contribution in lieu thereof, to continue to be performed and paid. Surveyor to be appointed. Surplus of the composition and contribution money (after repairing the roads) to be applied in paving the foot-ways, &c. Penalties and forfeitures to be recovered by distress and sale of goods, and to be applied for the purposes of the act. Persons aggrieved may appeal to the quarter sessions; giving fourteen days notice. Limitation of actions. General issue. Treble costs. Not to diminish the rights of the lords of the manor. Publick act.

C A P. XVII.

An act to enable the houſe of commons to authorize the ſelect committee, appointed to try the merits of the petition of the honourable Saint Andrew Saint John, complaining of an undue election for the county of Bedford, to proceed in caſe the ſaid ſelect committee ſhall be reduced to a leſs number than is preſcribed by an act, made in the tenth year of the reign of his preſent Maſteſty, intituled, An act to regulate the trials of controverted elections, or returns of members to ſerve in parliament.

WHEREAS the ſelect committee appointed to try and determine the merits of the petition of the honourable Saint Andrew Saint John, complaining of an undue election and return for the county of Bedford, have made a conſiderable progreſs in the matters to them referred, but are now, by the indiſpoſition of two of the members of the ſaid ſelect committee, reduced to thirteen; and if the ſaid committee ſhould be further reduced, by the indiſpoſition or death of any of the members remaining on the ſaid ſelect committee, the ſame would be diſſolved, which would be attended with manifeſt injury and inconvenience to the parties concerned; be it therefore enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That if the ſaid ſelect committee ſhall, by the indiſpoſition or death of any of the ſaid members of the ſaid ſelect committee, be further reduced to eleven, it ſhall be lawful for the houſe of commons, upon application made to them for that purpoſe, to authorize and direct the ſaid ſelect committee to proceed in the matters referred to them, and report upon the ſame; which report ſhall be deemed to be as valid as if the number of the ſaid ſelect committee had not been reduced to eleven; any thing in an act made in the tenth year of the reign of his preſent Maſteſty, (intituled, *An act to regulate the trials of controverted elections, or returns of members to ſerve in parliament*), to the contrary thereof in any wiſe notwithstanding.

Preamble.
If the committee ſhall be reduced to 11, the houſe of commons may direct them to proceed, and to make report.

C A P. XVIII.

An act to impower the juſtices of oyer and terminer and gaol delivery of Newgate for the county of Middleſex, to continue to hold a ſeſſion of gaol delivery of Newgate, begun to be holden before the eſſoign day of term, and ſitting of the king's bench at Weſtmiſter, notwithstanding the happening of ſuch eſſoign day, or the ſitting of the ſaid court of king's bench at Weſtmiſter, or elſewhere in the ſaid county of Middleſex.

WHEREAS, by the preſent law of this realm, the power and authority of juſtices, appointed and authorized under and by virtue of any commiſſion of oyer and terminer, or any commiſſion of gaol delivery awarded into and for any county or place, are ſuſpended by

Preamble.

by the coming and fitting of his Majesty's court of king's bench in such county or place: and whereas it hath oftentimes happened that the gaol of Newgate in London hath not been delivered of all the prisoners in it, nor the business of a session of gaol delivery of the said gaol of Newgate for the county of Middlesex, finally concluded before the effoign day of term, and the sitting of his said Majesty's court of king's bench at Westminster in the said county of Middlesex, by reason whereof divers prisoners in the said gaol of Newgate have remained untried at such session, and have been kept and continued in the said gaol until the following session, to the great inconvenience of the publick, to the manifest hindrance and delay of justice, to the prevention of speedy and condign punishment being inflicted on offenders, and to the great increase of the number of prisoners confined in the said gaol, from which the most alarming and dangerous consequences are at times dreaded and likely to ensue: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the third day of *May*, one thousand seven hundred and eighty-five, when any session of oyer and terminer and gaol delivery of the said gaol of *Newgate* for the said county of *Middlesex*, shall have been begun to be holden before the effoign day of any term, that the same session shall and may be continued to be holden, and the business thereof finally concluded, notwithstanding the happening of such effoign day of any term, or the sitting of his Majesty's said court of king's bench at *Westminster*, or elsewhere in the said county of *Middlesex*; and that all trials, judgements, proceedings, acts, deeds, matters and things whatsoever, and all proceedings, acts, deeds, matters and things, in pursuance of such judgements had, made, and done at such session so continued to be holden after the effoign day of any term, or the sitting of his said Majesty's court of king's bench at *Westminster*, or elsewhere in the said county of *Middlesex*, shall be good, valid, and effectual in law, and deemed, reputed, and taken to be so, to all intents and purposes whatsoever; any law, usage, or custom, to the contrary thereof in any-wise notwithstanding.

After May 3, 1785, session of gaol delivery of Newgate for Middlesex, not to be discontinued by the fitting of the court of king's bench, &c.

Publick act.

II. And be it further enacted by the authority aforesaid, That this act shall and shall be deemed and taken to be a publick act.

C A P. XIX.

An act for appointing commissioners to enquire into the fees, gratuities, perquisites, and emoluments, which are, or have been lately, received in the several publick offices therein mentioned; to examine into any abuses which may exist in the same; and to report such observations as shall occur to them, for the better conducting and managing the business transacted in the said offices.

Preamble.

WHEREAS it is highly expedient for the publick service, that an enquiry should be made respecting the expences in the different

different offices and departments of his Majesty's government herein-after mentioned, and the fees, gratuities, perquisites, and emoluments, received and taken therein, with a view to such regulations as shall be judged expedient and proper for the correction of abuses which may have arisen, and to effect such savings as may be made in each; that is to say, The offices and departments under the management of the commissioners of his Majesty's treasury, the commissioners for executing the office of lord high admiral of Great Britain, his Majesty's principal secretaries of state, the master general, the lieutenant general, the surveyor general, and officers composing the board of ordnance, the paymaster general of his Majesty's forces, his Majesty's secretary at war, the treasurer of his Majesty's navy, the commissioners of his Majesty's navy, the commissioners for victualling his Majesty's navy, the commissioners of the customs in England and Scotland respectively, the commissioners of the excise in England and Scotland respectively, the commissioners for sick and hurt seamen, the commissioners for taxes, the commissioners for stamps, the commissioners for salt duties, the postmaster general, the surveyor general of the land revenue, the auditors of the land revenue, the surveyor general of woods and forests, the commissioners for hackney coaches, and the commissioners for hawkers and pedlars: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the lords commissioners of his Majesty's treasury, for the office of the treasury, for the office of paymaster general of his Majesty's forces, the offices of customs and excise in England and Scotland respectively, the offices of taxes, stamps, and salt duties, the offices of the postmaster general, surveyor general, and auditors of the land revenue, surveyor general of the woods and forests, and also for the offices for hackney coaches, and for hawkers and pedlars, respectively; that the commissioners for executing the office of lord high admiral of Great Britain, for the admiralty, for the treasurer of the navy, for the offices of the navy and victualling, and for sick and hurt seamen, respectively; and the principal secretaries of state for their several offices, the master general of the ordnance for the office of ordnance, his Majesty's secretary at war for his office, shall, with all convenient speed, lay the returns of the fees, gratuities, perquisites, and emoluments, usually taken, demanded, or received, by any clerk or officer within any of the before-mentioned offices or departments respectively, or copies thereof, together with copies of the annual establishments, and also of the incident bills for defraying the contingent expences of the said offices or departments, as they respectively stood in the year one thousand seven hundred and eighty-two, or in such preceding and subsequent years as they shall judge most convenient, before sir John Dick baronet, and William Molleson esquire, comptrollers of the army accounts, together with Francis Baring esquire, who are hereby constituted commissioners for making the enquiries intended by this act: and that the said commissioners,

Lords of the treasury, &c. to lay returns of fees, &c. taken in their respective departments, before the commissioners herein-after named.

Names of commissioners: their duty.

or

or any two of them, ſhall, and they are hereby required to take into their conſideration all the ſaid returns, eſtabliſhments, and incident bills, and ſhall proceed thereupon according to ſuch inſtructions and directions as they ſhall from time to time receive from the King's moſt excellent majeſty in council; and the ſaid commiſſioners ſhall, from time to time, report and certify their proceedings, in writing under the hands and ſeals of them, or any two of them, to the king in council, upon each office or department, ſpecifying what officers and clerks belong to or are employed in the ſame, and what is the duty, ſervices, and attendance required of them, together with the fees, gratuities, perquiſites, and emoluments, which the ſaid officers and clerks, or their ſubſtitutes or under clerks, may or ought lawfully to have and take for or in reſpect of their ſeveral offices and places; adding, at the ſame time, ſuch obſervations as ſhall occur to them, and ſuch plans, either for correction and improvement, or for abolishing or regulating any of the ſaid fees, gratuities, perquiſites, and emoluments, or for carrying into execution the general purpoſes of this act, as may appear to them proper to be adopted for the time to come; and in particular, the ſaid commiſſioners ſhall, in all caſes in which they ſhall be of opinion that any fees ought to continue to be taken in any of the ſaid offices or departments, conſider and report whether it will be practicable to appoint a perſon to receive and diſtribute the ſame, under the directions of the ſeveral boards or principal officers, in ſuch manner, and in ſuch proportions, as ſhall be hereafter ſettled.

Commiſſioners may take examinations on oath;

II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid commiſſioners, or any two of them, and they are hereby impowered, authorized, and required, to examine upon oath (which oath they, or any two of them, are hereby authorized to adminiſter) the ſeveral perſons employed under the lords commiſſioners of his Majeſty's treaſury, the commiſſioners for executing the office of lord high admiral, the principal ſecretaries of ſtate, the maſter general of the ordnance, and his Majeſty's ſecretary at war, and the ſeveral perſons in any other of any of the offices or departments before mentioned, whom they ſhall think fit to ſummon at ſuch time or times as ſhall be fixed, on application to be made to the principals of the ſaid offices for ſuch purpoſe, and all other perſons who have had any dealings or tranſactions with the ſaid offices, or the repreſentatives of ſuch perſons, whom the ſaid commiſſioners, or any two of them, ſhall think fit to examine, touching the fees, gratuities, perquiſites, and emoluments taken therein, and touching all other matters and things neceſſary for the execution of the powers veſted in the ſaid commiſſioners by this act; all which perſons are hereby required and directed punctually to attend the ſaid commiſſioners, at ſuch time and place as ſhall be appointed, and alſo to obſerve and execute ſuch orders and directions as the ſaid commiſſioners, or any two of them, ſhall make or give for the purpoſes before mentioned.

III. And

III. And be it enacted by the authority aforesaid, That the said commissioners, or any two of them, shall be, and are hereby impowered to examine into any corrupt and fraudulent practices, or other misconduct, as far as relates to the purposes intended by this act, committed by any person or persons concerned in the management of any of the offices or departments herein-before mentioned: and, for the better execution of this present act, the said commissioners, or any two of them, are hereby authorized to meet and sit, from time to time, in such place or places within the cities of *London* and *Westminster*, as they shall find most convenient, with or without adjournment, and to send their precept or precepts, under their hands and seals, for any person or persons whatsoever, and for such books, papers, writings, or records relating to any of the offices or departments herein-before mentioned, as shall be necessary for carrying into execution the purposes of this act.

and may send for persons, papers, and records.

IV. And be it further enacted, That the said commissioners named in this act, before they enter upon the execution of the same, shall take an oath, before the chancellor of the exchequer for the time being (which he is hereby authorized and required to administer), the tenor whereof shall be as followeth; that is to say:

Commissioners to be sworn.

I A. B. do swear, That, according to the best of my skill and knowledge, I will faithfully, impartially, and truly, execute the several powers and trusts vested in me by an act for appointing commissioners to enquire into the fees, gratuities, perquisites, and emoluments, which are, or have been lately, received in the several publick offices therein mentioned; to examine into any abuses which may exist in the same; and to report such observations as shall occur to them, for the better conducting and managing the business transacted in the said offices; according to the tenor and purport of the said act.

Their oath.

V. And be it further enacted by the authority aforesaid, That in case any person or persons, upon examination upon oath before the said commissioners respectively, as before mentioned, shall wilfully and corruptly give false evidence, every such person so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be, subject and liable to such pains and penalties as, by any law now in being, persons convicted of wilful and corrupt perjury are subject and liable to.

Penalty on giving false evidence.

VI. And be it further enacted by the authority aforesaid, That in case of a vacancy or vacancies by death or resignation of any one or more of the said commissioners, during the continuance of this act, it shall and may be lawful for his Majesty to nominate and appoint such person or persons as he may think proper, to supply such vacancy or vacancies; and that every person so nominated and appointed (having taken the oath of office above mentioned) shall be held and considered to

On death, &c. of a commissioner, his Majesty may appoint a successor.

be

be invested with all the same powers as are delegated to the commissioner appointed by this act, in whose room such person is so nominated.

Continuance
of this act.

VII. And be it further enacted, That this act shall continue in force until the end of the next session of parliament.

C A P. XX.

An act for appointing commissioners to put in execution an act of this session of parliament, intituled, "An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and eighty-five;" together with those named in three former acts for appointing commissioners of the land tax, and with those named in the land tax act of the twenty-third year of his Majesty's reign, and in the land tax act of this session of parliament.

C A P. XXI.

An act to render more effectual several acts of parliament, for erecting hospitals and workhouses, within the city and county of the city of Exon, for the better employing and maintaining the poor there; and to raise further sums of money for the better carrying the purposes of the said acts into execution.

Recital of 9 & 10 Gul. 3. private act, No. 33. Act of 31 Geo. 2. c. 53. 2 Geo. 3. c. 20. respecting militia. 14 Geo. 3. c. 61. empowering corporation of the poor to raise further money. Not more than 3,300l. per ann. raised in pursuance of the last act. Corporation empowered to raise 8,600l. within a certain time. Not more than 2,200l. to be raised in either of the two first, nor in any succeeding year more than 1,100l. to be raised by the governor, &c. of the poor of Exon, by an equal taxation. To be applied towards discharging debts, &c. Parish officers to collect, and on nonpayment to distrain and imprison. Yearly meetings to raise money on the second Tuesday in June yearly. Deficiency arising by nonpayment of assessments, to be certified respectively to the corporation; and to be made good by re-assessment. Corporation empowered, in case of neglect or refusal of the mayor, justices, &c. to issue their warrants for levying assessments, to levy the same by distress and sale. Corporation to ascertain what weekly, monthly, or other sum necessary for maintenance of the poor. No person to be abated in assessment, so as to reduce the same under the weekly rate of two-pence, unless upon application to the mayor, justices, &c. Clause in former act respecting charitable gifts, &c. repealed. Disqualification of guardians, if made aldermen, or removing out of city or county for one year, or do not attend courts for one year, or be bankrupt, or discharged as an insolvent debtor, or compound his debts, or do not pay 3d. per week poors rates. Out-patients of the Devon and Exeter hospital to be maintained by their respective parishes. In-patients to be provided with clothes by their respective parishes. Recital that the annual income of 3,300l. is insufficient for the poor. Commissioners to be elected by their respective parishes. If no inhabitant within any particular parish qualified to be elected commissioner, power to elect from any other parish. Names of commissioners to be returned to the clerk of the corporation, who is to enter the same in a book to be kept for the purpose. New election, in case of death, or disqualification of commissioners. Commissioners to be summoned to attend meetings. Commissioners to be convened at a general court before any money levied above the annual assessment of 3,300l. and 8,600l. If commissioners neglect to attend general court, or be equally divided in opinion, or neglect to determine on the sum to be borrowed, corporation to apply to the quarter sessions. Treasurer to account within six months after the

the expiration of his office, or in default to be committed: Commiſſioners impowered to inſpect accounts, and viſit workhouſes, &c. If guardians neglect to attend, commiſſioners may viſit, and make report. No perſon to ſupply the workhouſe with any kind of provisions; liquors, articles of manufacture, utenſils, or other matters, above 50l. in a year, unleſs by publick contract. Penalties and forfeitures to be levied by diſtreſſes. Perſons or pariſhes over-rated may appeal to the quarter ſeſſions. The mayor, &c. of Exon to convey the tolls of the market for ſecurity of any money for ſetting the poor to work. Continuation of former acts. This act not to annul proceedings under former acts. Charges of this act to be paid out of the firſt money ariſing thereby. Limitation of actions in fix months. General iſſue. Treble coſts. Publick act.

C A P. XXII.

An act for repealing ſo much of an act made in the laſt ſeſſion of parliament as relates to the diſtillation of corn ſpirits in ſmall ſtills, in certain counties or diſtricts of the highlands in that part of Great Britain called Scotland; and for authorizing the commiſſioners of exciſe in Scotland to grant licences, to perſons living in the ſaid counties or diſtricts, to diſtil ſpirits from barley, bear, or big, the growth of the ſaid counties; and for impoſing a duty on ſuch licences.

WHEREAS by an act paſſed in the laſt ſeſſion of parliament, Preamble.
(intituled, An act to diſcontinue, for a limited time, the 24 Geo. 3.
 payment of the duties upon low wines and ſpirits for home con- c. 46. recited.
 ſumption, and for granting and ſecuring the due payment of
 other duties in lieu thereof; and for the better regulation of the
 making and vending *British* ſpirits, as well for home conſump-
 tion as for exportation; and for deſtroying all home made and
 foreign ſpirits, after the condemnation thereof; and for veſting
 in his Maſtey the duties of exciſe within the lands of *Ferintosh*,
 in the county of *Inverneſs*; and for diſcontinuing, for a limited
 time, certain impoſts and duties upon rum and ſpirits imported
 from the *West Indies*); it was, among other things, enacted, That
 it ſhould and might be lawful for the commiſſioners of the exciſe, in
 that part of Great Britain called Scotland, or the major part of
 them, notwithstanding the ſeveral former acts and ſtatutes then ſub-
 ſiſting in relation to the diſtilling and manufacturing ſpirits from corn,
 and notwithstanding the proviſoes and regulations in that act, to au-
 thorize and impower ſuch number of perſons as they ſhould judge
 proper and expedient, within the highland pariſhes or diſtricts of the
 counties therein-mentioned, to erect, keep, and work ſtills, the cubical
 contents of which, including the head, ſhould not exceed twenty gal-
 lons, *English* meaſure, or at the moſt thirty gallons, nor in any caſe
 be of leſs than the firſt mentioned ſize: and whereas it now appears
 that the purpoſes which the ſaid act was intended to answer, with
 reſpect to the revenue, and the improvements of agriculture in the
 pariſhes and diſtricts aforeſaid, have been in a great meaſure defeated
 by the variety of reſtrictions therein contained, and particularly by the
 ſize of the ſtills being too ſmall, be it therefore enacted by the
 King's moſt excellent maſtey, by and with the advice and con-
 ſent of the lords ſpiritual and temporal, and commons, in this

So much of the recited act, as respects the highlands of Scotland, repealed.

present parliament assembled, and by the authority of the same, That so much of the said act as particularly respects the highland counties of *Scotland*, shall be, and the same is hereby repealed; and that no action for penalties incurred shall be brought in terms thereof.

Licences may be granted annually, by the commissioners of excise in Scotland, within certain highland counties, for distilling corn spirits.

II. And be it further enacted by the authority aforesaid, That upon the first day of *December*, one thousand seven hundred and eighty-five, or as soon as may be in the course of that month, and so from year to year thereafter, it shall and may be lawful to and for the commissioners of his Majesty's excise in *Scotland*, or the major part of them, by licences under their hands, to authorise persons, qualified as herein-after mentioned, within the several counties of *Orkney, Caithness, Sutherland, Ross, Cromarty, Inverness, Argyle, Bute, Stirling, Clackmannan, Perth, Dumbarton, Aberdeen, Forfar, Kincardine, Banff, Nairn, and Elgin*, (excepting those parts of the counties of *Dumbarton, Stirling, Clackmannan, and Perth*, herein-after described), to erect, keep, and work stills, the cubical contents of which respectively shall not be less than thirty, nor more than forty gallons of *English* measure, including their respective heads, and to distil and draw off spirits from the barley, bear, or big, of the growth of the said counties, during the term of one year, and for no longer or shorter space, from the date of the commission or licence, and to use, sell, and dispose of the spirits so distilled, subject to the restrictions and regulations, and on payment of a composition or licence duty at the rate of twenty shillings sterling for each *English* gallon of the content of such still, for the space aforesaid, and that in place of the whole rates and duties imposed on the distilling of corn spirits, and upon the malt or grain from which the spirits are extracted; but declaring that the licensed distillers shall not be allowed any drawback or deduction from the above duty, on account of their, or either of them, having bought from any entered maltster any part of the malt to be used by them, and for which the ordinary duties upon malt have been paid, or are due.

The heritors of each parish to assemble, and make out a list of persons proper to be licensed.

III. And, for the better ascertaining the persons to whom such licences may be granted, the conditions under which they are to be obtained, and the powers of the commissioners of excise, and others, with respect to the granting thereof, be it enacted by the authority aforesaid, That, within two months after the passing of this act, the heritors of each parish, within which such licensed stills are to be permitted, or persons duly authorised to act for them, shall assemble in the parish church, previous notice of the day and hour and purpose of such meeting being given by advertisement, signed by the collector of the excise of the bounds, and by one or more of the principal heritors of the parish, or their factors, and affixed on the church doors for two *Sundays* preceding the day of meeting; and shall proceed by a majority of the voices, not in point of number, but according to the extent of their valued rents, so that those who collectively shall have the greatest extent of valued rent, shall be deemed to have the majority

majority of voices, to make out a list of the persons within the said parish to whom such licences may most properly be granted; which list the preses or clerk of the meeting shall forthwith transmit to the commissioners of excise at *Edinburgh*, and a copy thereof to the collector of excise within whose bounds the said parish lies; and the said commissioners shall have power to limit the licences to be granted, in consequence of the said lists, to such number as they shall judge the particular circumstances and population of each parish or county shall require, provided the number be not less than two for each parish, if so many shall be demanded by the heritors; which being done, the said commissioners shall, without delay, return the said lists, so approved of or restricted, to the different collectors of excise, with orders to give immediate notice thereof, to the persons to whom licences are to be granted, and to require them to find security, as herein-after mentioned.

Lists to be transmitted to the commissioners of excise at *Edinburgh*.

IV. And be it enacted, That, in all succeeding years, the heritors of each parish shall assemble for the purpose of making out the lists as aforesaid, in the first or second week of *May*, at the parish church, previous notice being given of the precise day and hour of meeting by advertisement on the two preceding *Sundays* as aforesaid; which lists shall be transmitted to the commissioners of excise, in the manner before directed, who shall, without delay, give notice to the respective collectors of excise of the bounds, to what extent the lists are approved of, and who are to be intitled to licences, on the first day of *December* following, or as soon after as may be in the course of that month; and the collector or collectors shall in like manner forthwith give the same notice to the persons who are to receive the licences: and if, from neglect or inattention, no list shall be transmitted from the heritors of any parish to the said commissioners the said commissioners shall nevertheless give orders to the collectors of excise of the bounds to issue licences for the ensuing year to such persons as they shall think proper, the number of which persons shall not be less than two, as before mentioned, if so many are demanded; and those persons who held them for the preceding year shall have the preference, on paying the former composition, and complying with the other regulation herein-after mentioned.

Heritors to assemble, after the present year, in the month of *May*.

If heritors neglect to transmit lists, commissioners to license such persons as they think proper.

V. Provided always, and it is hereby specially provided and declared, That no licence shall be granted to any person to erect or work any still under this act, within ten *English* statute miles of any distillery regularly entered according to the laws of excise, and provided such entered distiller has paid yearly, for the two preceding years, duties to the extent of eight hundred pounds sterling yearly, and is going on in the same business; or who, being in that business, and within the distance aforesaid, shall require the suppression of a small still, and give obligation, with sufficient security, that the duty to be imposed upon the distillery, carried on by him, her, or them, shall amount to at least the said yearly sum of eight hundred pounds

Power of granting licences limited.

ſterling for two years to come, the diſtance to be computed by the uſual publick road, or by any uſual ferry or paſſage by water.

Certain conditions to be complied with by every perſon applying for a licence.

VI. Provided alſo, That no perſon ſhall be intitled to a licence under this act who ſhall not, at the time of his or her application, produce a recommendation from the heritor on whoſe property he or ſhe lives, or his factor, and a certificate of his or her being a perſon of good character, and reputed in good circumſtances, together with the name or names of the perſon or perſons propoſed to be given as ſecurity for the payment of the duty hereby impoſed upon his licence, and of the further ſum of fifty pounds ſterling, to anſwer the payment of ſuch penalties as he or ſhe may incur.

Perſons who are to obtain licences muſt give proper ſecurity to the collector of exciſe.

VII. And be it further enacted, That when the perſons who are to obtain licences in any particular pariſh are thus aſcertained, they ſhall be obliged to find ſecurity, to the ſatisfaction of the collector of exciſe of the bounds, that they ſhall take out their licences at the time and in the manner before directed, and ſhall make payment of one quarter of the ſaid licence duty at the time when the licence ſhall be delivered to them, and of another quarter of the ſame at the end of each three months then after, till the whole twenty ſhillings is paid for the year's licence; and in caſe they, or either of them, fail to give ſuch ſecurity, with at leaſt one cautioner bound for him, to the ſatisfaction of the collector as aforeſaid, the perſon ſo failing ſhall not be intitled to the licence, but in that caſe it ſhall be in the power of the ſaid collector to grant a ſimilar licence to any other perſon within the ſame pariſh who ſhall appear to him ſufficiently qualified for the purpoſe, and who is willing to pay and find ſecurity as aforeſaid, the collector of exciſe always preferring thoſe who have been recommended by the heritors; and that each licence ſo to be iſſued as aforeſaid, ſhall ſpecify the name and place of reſidence of the perſon who obtains it, the place at which the ſtill is to be erected, the ſize of ſuch ſtill, together with an acknowledgement of the licence duty to the above extent being paid, and ſecurity found for the penalty, as before directed.

Licence to ſpecify the name and reſidence of the perſon who obtains it, with the ſize of the ſtill, etc.

VIII. *And whereas the ſaid privilege and exemption are hereby granted for the purpoſe of promoting agriculture and improvement in the ſaid highland counties and diſtricts, and for accommodating the inhabitants thereof with ſpirits drawn from their own grain at moderate rates; and it has been computed that a ſtill of forty gallons, wrought in the manner known and practiſed in thoſe diſtricts of the country, and during that part of the year in which it will commonly be in their power to work them, will manufacture into good ſpirits two hundred and fifty bolls, Linlithgow meaſure, of the barley, bear, or big, of theſe counties, and no more, which will produce, at an average, one thouſand ſix hundred and ſixty gallons of pure ſpirits, and that the produce of ſmaller ſtills will be in a ſimilar proportion;* be it therefore enacted, That when a licence ſhall be taken out, and the compoſition duty paid, for a ſtill of forty gallons, ſuch duty

Computation of the quantity of grain

duty shall be held to be a composition for the duty on malt to the extent of two hundred and fifty bolls, *Linlithgow* measure, and no more, and for the duty on the spirits manufactured in such still to the extent of one thousand six hundred and sixty gallons *English*, and no more; and when a licence shall be taken out, and the composition duty paid, for any still of a lesser size, the like proportion shall be observed both as to the quantity of malt, and the quantity of spirits for which such duty shall be held to be a composition; and that for all malt which shall be used or made by such licensed distiller, over and above the said quantity, and for all spirits which shall be manufactured from such stills, over and above the quantity aforesaid, there shall be paid the same duties to which the entered maltster and distiller are, by the laws of excise, liable.

made into spirits yearly by a still of 40 gallons, and of the spirits produced therefrom.

Duty to be paid for all malt and spirits exceeding those quantities.

IX. *And, for the more effectually securing to his Majesty's revenue the payment of the above-mentioned duties, for all spirits which the owners of such stills shall be able to manufacture beyond the quantity corresponding as aforesaid, to the respective sizes of the stills, be it enacted by the authority aforesaid, That the officers of excise shall at all times have full liberty to enter into and survey the malt barns and distilleries belonging to such licensed distiller, and to keep an exact account of the malt and spirits manufactured therein, and to charge with the usual duty all malt, made or used therein, exceeding the quantity of two hundred and fifty bolls in the year, and all spirits exceeding in quantity one thousand six hundred and sixty gallons annually; and that no spirits shall, from and after the said first day of December, one thousand seven hundred and eighty-five, be allowed to pass or be carried from one place to another within the counties or districts aforesaid, to which counties or districts the sale of the spirits to be manufactured in the stills to be licensed under this act is hereby expressly restricted, without being accompanied with a permit from the proper officer, expressing the quantity so permitted to pass, and also mentioning that the same is the produce of a licensed still; that the owner or owners of such licensed still or stills shall, in consideration of the annual composition paid by him, her, or them, be entitled to demand free permits, in the course of the year for which such licences are held, for the quantity of spirits before expressed as the produce of a still containing forty gallons, and for a proportional quantity if the still be of a lesser size, but for no more, allowing them to pass any where within the said counties or districts; and in so far as permits are demanded for a greater quantity, they shall only be obtained on payment of the duties chargeable by law on the entered distillers and maltsters.*

Excise officers may enter and survey malt barns and distilleries, and charge with the usual duty all such malt, etc. manufactured therein.

From Dec. 1, 1785, no spirits to be removed, within the before-mentioned districts, without a permit.

X. *And, for the more effectually preventing the spirits which may be distilled by virtue of this act, from interfering with or prejudicing the trade of the entered distillers, who carry on their business subject to the payment of those duties which are imposed by the laws of excise; be it enacted, That no still shall be licensed in the counties of Dumbarton, Stirling, Clackmannan, and Perth, to the east or*

No stills to be licensed in certain parts

of the coun-
ties of Dum-
barton, Stir-
ling, etc.

Spirits, the
produce of
licensed stills,
removed to
the southern
parts of the
kingdom,
liable to
feizure.

Penalty on
licensed dis-
tillers for
having in
their posses-
sion stills
larger than
those com-
pounded for;

or on dispos-
ing of any
malt, etc.

right hand of a line beginning at the boat of *Baloch*, where *Lach Lomond* runs into the river *Leven*, and proceeding along the great military road from thence by *Bucklovie*, to the town of *Stirling*; and from thence along the great road called *Hillfoot Road*, on the south side of the *Ochell Hills*, till it meets with the great road from *Kinross* to *Perth*, and along the same till it comes to the bridge of *Earn*, and along the water of *Earn* till its junction with the river *Tay*, and along that river till it joins the *German* ocean; and that no spirits, the produce of such licensed stills, shall be allowed to pass, either with or without permit, into the southern parts of the kingdom, either by land across the line above expressed, or by water carriage from the coasts or ports of any of the counties mentioned in this act; and that all spirits, distilled to the west and north of the above line, the produce of such licensed stills, or not produced by stills entered in the manner directed by the laws of excise, that shall be found passing to or in other parts of the kingdom, either with or without permit, shall be liable to feizure by the proper officers, to be disposed of by them in the same manner as other spirits so seized are directed to be disposed of by the laws of excise.

XI. And it is hereby enacted by the authority aforesaid, That every licensed distiller having in his possession or using a still of larger dimensions than those for which he has obtained a licence, and paid a composition, shall be subject to a further duty of two pounds sterling for each gallon such still shall contain, over and above the quantity specified in his licence; and if such surplus shall exceed three gallons *English*, he shall forfeit such still, and all the utensils thereto belonging, together with his licence, and be liable to a penalty of twenty pounds sterling; and further, if he shall be convicted of having in his possession any other still than that for which he has obtained a licence, he shall in like manner forfeit his licence, and be subject to a penalty of fifty pounds sterling, and such unlicensed still shall be seized and forfeited; and every licensed distiller, who shall be convicted of using any grain, not the growth of the counties above-mentioned, or some one of them, shall forfeit five shillings *per* bushel for all such grain or malt, and shall in like manner forfeit his still and utensils, and his licence.

XII. And it is hereby declared, That no licensed distiller or distillers shall sell or dispose of any malt, under any pretence whatever, nor have in his, her, or their custody, any corn spirits other than those of their own manufacture, unless the same shall have been purchased from an entered or licensed distiller, and accompanied with a regular permit; and if he, she, or they, shall act contrary hereto, he, she, or they, shall forfeit their licence and utensils, and double the value of the said malt and spirits.

XIII. And whereas the licensed distiller is intitled by this act to a free permit to the extent of one thousand six hundred and sixty gallons of spirits, for a still of forty gallons, and so in proportion for one of a lesser

a lesser fize, being the full quantity for which the above composition is meant to be paid; it is declared, That no spirits shall be removed from the place they are distilled at, without a permit; and that all spirits carrying from one place to another, without permit, shall be feised and forfeited.

No spirits to be removed from the place where distilled, without a permit.

XIV. And, in order the more effectually to prevent the use of stills of any other fize than those allowed by the laws of excise, or those authorized by this act, and the distilling of corn spirits by any persons other than those qualified according to law, or who shall hold licences in pursuance of this act, be it enacted, That, from and after the passing of this act, no still shall be made or offered to sale for home use, without having stamped or engraved thereon the maker's name, and place of residence, with its cubical content expressed by the number of gallons, under a penalty of ten pounds sterling on the maker or seller of every still made or sold contrary to this provision; and also, that all stills made for the use of chymists, druggists, or perfumers, shall in the same manner be marked, *Chymists, Druggists, or Perfumers Still*; and that no person shall sell, for home use, a still of the dimensions permitted to be licensed by this act, except to persons who possess licences in pursuance thereof, or on seeing a certificate, from the collector of the bounds, of their licence being ordered by the commissioners of excise; and further, That if any still shall be found, on the said first day of *December* next, in the possession of any person residing within any of the before-mentioned counties or districts, not having the name and place of the maker, its contents, or number of gallons, expressed upon it as herein-before directed; or if its dimensions be of a kind not allowed by law to be used in the distillation of corn spirits, not marked as a druggist, chymist, or perfumers still, such still shall be liable to seizure by any officer or officers of excise, who are hereby directed to destroy the same; and the materials of all such illegal stills, so feised and destroyed, shall be sold by or under the direction of the collector of the bounds, and the money arising from such sale shall be disposed of in like manner as the penalties herein-after mentioned are directed to be disposed of.

Directions relative to the making of stills.

Stills made contrary thereto, may be feised and destroyed.

XV. And be it further enacted, That the licensed distiller, on the expiration of his licence, unless the same shall be renewed within eight days after such expiration, shall be obliged to deposit his still with the officer of the district, or to dispose of it in the view and presence of the said officer, to some other person taking out a licence, or to the original maker thereof; and in case of his failing so to do, or using the said still during the said eight days, he shall be considered as an illicit distiller, and be liable to the same penalties.

Stills how to be disposed of, after the expiration of licence.

XVI. And be it further enacted by the authority aforesaid, That the commissioners of excise may withdraw the licences, or restrict their number, in all or any of the counties before-mentioned, during the course of any year, upon an application from the commissioners of supply of such county, assembled at

Commissioners of excise may withdraw licences, or restrict their number, upon

application from the commissioners of supply.

a meeting previously advertised and called for the purpose, by the convenor of the county, certifying, as the ground of such application, that there are probable grounds for apprehending a scarcity of grain; and in case the licences shall be withdrawn, the licensed distillers shall be respectively intitled to a return or abatement of a proportion of the duty which had been paid for such licences; and in case a restriction only shall be imposed, such restriction to be proportionably laid on all the parishes of the county.

Penalties and forfeitures how to be recovered and applied.

XVII. And it is hereby further enacted, That all penalties and forfeitures imposed by this act, shall and may be sued for before any two of his Majesty's justices of the peace within the county where the offence shall be committed, whose sentence shall be subject to review only by the justices of the county in their quarter sessions, or before the barons of his Majesty's court of exchequer, but before no other court; and that the said penalty and forfeiture shall be sued for and recoverable by any of the officers of excise, or any of the expectants of excise, or any member of the kirk session in the parish within which the offender lives, or by any licensed distiller within the same parish or county; and the one half of the said penalties and forfeitures shall go to the poor of the parish within which the offence is committed, and the other half thereof to the prosecutor, and of which there shall be no power of mitigation; and all actions for the recovery thereof shall be commenced within six months after such offence has been committed.

Limitation of actions.

C A P. XXIII.

An act for better paving, cleansing, lighting, and watching the streets, lanes, yards, courts, alleys, and passages, within that part of the parish of Saint Mary Magdalen, Bermondsey, in the county of Surrey, called The Water-side Division, and for removing and preventing nuisances, and annoyances therein; and for lighting and watching certain parts of and belonging to the turnpike road leading from the east end of New Street, in Southwark, to Deptford, in the county of Kent, within the said Water-side Division of the said parish, therein mentioned.

Commissioners appointed for putting this act in execution. Qualification of commissioners, 50l. per ann. or 1,000l. personal estate. Penalty on acting, not being qualified, 50l. Victuallers incapable of being commissioners. Meetings to consist of 5 or more commissioners. Adjournments. Commissioners to pay their own expences. Commissioners may appoint officers, and allow them salaries. Officers to account. If balance be not paid, it may be levied by distress. On failure of distress, etc. offender may be committed. Limitation of imprisonment, six months. Officers taking fees, or being interested in any bargain, incapable of serving, and to forfeit 100l. Commissioners empowered to pave all the streets, lanes, yards, courts, alleys, and passages, within the said division, of the said parish of Saint Mary Magdalen, Bermondsey; and also to repair all the highways in the said parish, not under the direction of particular trustees, by virtue of any act of parliament, and to cause all to be cleansed, lighted, and watched; and may light and watch the turnpike road, and contract for pavements, etc. Surveyors to inspect the works, and if contract not performed, actions to be brought thereon. Materials may be dug out of or brought into

into streets, etc. Property of all materials to be vested in the commissioners. Penalty on interrupting workmen; first offence, 20s. second, 40s. and third, 3l. Commissioners may sell the old materials, and apply the money to the purposes of the act. No alteration to be made in the form of the pavement, without consent of commissioners. Commissioners to provide watch-houses, watch-boxes, watchmen, and beadles. The duty of watchmen and beadles is to endeavour to prevent all mischief by fire, all murders, burglaries, robberies, disturbances, and breaches of the peace, and all outrages, misdemeanors, indecencies, and disorders; and for that purpose, without warrant, to arrest, and detain in the watch-house, or other convenient place, provided by the commissioners within the said Water-side Division, all malefactors, rogues, vagabonds, disturbers of the peace, and other disorderly persons, found loitering, wandering, or misbehaving, or committing disorders in or near the said division, or whom the said watchmen shall have reason or just cause to suspect of any evil design, to be carried before a justice of peace, to be examined and dealt with according to law. Commissioners of sewers to make and repair grates, sewers, and drains, and to cast the sewers within the said division. If commissioners of sewers neglect to do the works, commissioners for pavements to do the same, and recover expences. Commissioners of paving to alter gutters, or channels in the streets. Lamp-irons may be fixed against walls of houses. Persons willfully damaging lamps, etc. may be seized without warrant, and to forfeit 5l. for each lamp, and pay damages, or may be committed to hard labour for fourteen days. Persons accidentally damaging lamps, etc. to make satisfaction. Commissioners to employ persons to cleanse, and to purchase carts, etc. Penalty on laying ashes, etc. in the streets; first offence, 20s. second, 40s. and third, 3l. saving the right of the owner or occupier of the mill-pond there, who may cast the soil thereout as heretofore. Penalty on obstructing the streets by carriages, etc. to forfeit 20s. and pay damages. Penalty on driving, etc. wheel-barrow, etc. on the foot pavement; for first offence, 5s. second, 10s. and third, 20s. Hoards, etc. may be made for building, by leave of the surveyor. Foot pavements to be swept every day except Sundays. Houses to be numbered, and names of streets to be affixed on the corner houses. Signs, etc. regulated. Penalty on offenders, 5l. To remove the soil, at any time cast out of Saint Saviour's Mill-pond, within five days. If soil not removed within five days, the surveyor to remove the same, and recover double the expence. Steps, etc. projecting too far to be removed. Commissioners not obliged to pave highways. Rates, upon occupiers of houses, shops, warehouses, wharfs, dock-yards, or other yards, mill, mill-ponds, rope-walks, cellars, vaults, or other tenements in the said division, whether occupied with land or not, and on every person occupying land therein, and on all occupiers of houses, shops, warehouses, land, cellars, vaults, or other tenements in the division of the said parish of Bermondsey, called The Land-side Division, on the south side of the turnpike road, so to be lighted, at the rate of 2s. 3d. in the pound on houses, and 9d. in the pound on land: and the houses in the occupation of Samuel Read, Robert Lewis, Thomas Crout, William Randall, Thomas Child, Thomas Flowers, William Burrell, and John Keating, to be charged with the land held therewith, at 9d. in the pound. Half rates till paved. Rates to be signed by justices. Owners of houses, let out in tenements, to be assessed, and to be paid by any tenant, and deducted out of the rent. Meeting-houses and void spaces of ground to be rated at the discretion of the commissioners, and to be paid by the proprietor, trustee, treasurer, or minister, or deacon officiating. Rates recoverable by action, with costs. Occupiers quitting without paying rates may be followed, and by warrant their goods distrained. Any person authorized by commissioners to inspect parish rates, etc. Persons paying this rate exempted from all other expences of paving, etc. Pavements liable to be repaired by any parishes, corporations, or trustees of turnpikes, etc. to be repaved at their expence. The commissioners may compound with such parishes. 3,000l. may be borrowed on annuities. Annuities charged upon the rates, and

not

not liable to the land tax. When annuitants die, other annuities may be purchased. Annuities may be assigned. As annuitants die, the rates to be lowered. Monies raised vested in the commissioners. Expences of passing this act to be first paid. Commissioners may purchase lands, etc. Monies in the hands of the treasurers, receivers, or collectors, to be the first paid in case of death. Power to repair or rebuild certain bridges over the Mill-pond, viz. Folly Bridge, Water-lane Bridge, London street Bridge, and the bridges at the west and east end of Jacob-street. Proviso for excluding Five-foot Lane out of the act. Penalties may be mitigated, but not to less than a moiety. Commissioners to relay pavement taken up for repairing any vaults, drains, or pipes, and to be reimbursed by the party taking up such pavement. Power given to compound with commissioners of sewers. Action to be brought for expences, of relaying any pavement. Penalty on neglect of giving notice of taking up the pavement for 24 hours, 20s. Commissioners to pay for altering pipes. Persons aggrieved may appeal to the quarter sessions. Penalties and forfeitures to be recovered by distress and sale of goods, and in default of goods, to be committed for three months, and not less than fourteen days, or till paid, and to be applied for the purposes of the act. Commissioners may reward informers. Distress not unlawful for want of form. Plaintiff not to recover if tender of amends hath been made. Minute book to be kept. Justices impowered to administer oaths. Commissioners who are justices may act as such. Proceedings not to be quashed for want of form. Inhabitants may be witnesses. Limitation of actions, in six months. General issue. Treble costs. Publick act.

C A P. XXIV.

An act to repeal so much of an act made in the last session of parliament. as imposes duties on all stuffs made of cotton and linen mixed, and stuffs wholly made of cotton wool wove in Great Britain, not being printed, painted, or stained; and on licences for bleaching or dyeing the same.

Preamble.
24 Geo. 3. c.
40. recited.

WHEREAS an act was made in the last session of parliament, (intituled, An act for granting to his Majesty additional duties on linsens printed, painted, stained, or dyed in Great Britain; and for granting certain duties on cotton stuffs bleached or dyed in Great Britain; and on licences for bleaching or dyeing the same; and upon the importation of stuffs made of, or mixed with cotton, not painted, printed, stained, or dyed, in foreign parts): and whereas so much of the said recited act as imposes duties on all stuffs made of cotton and linen mixed, and stuffs wholly made of cotton wool wove in Great Britain, not being printed, painted, or stained, and on licences for bleaching or dyeing the same, has been found inconvenient; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled; and by the authority of the same, That, from and after the passing of this act, so much and such part of the said recited act, as imposes duties on all cotton stuffs made of cotton and linen mixed, and stuffs wholly made of cotton wool wove in Great Britain, not being printed, painted, or stained; and on licences for bleaching or dyeing the same, shall be, and the same is hereby repealed.

Part of the
recited act
repealed.

C A P.

C A P. XXV.

An act for allowing further time for the importation of goods the produce or manufacture of the island of Tobago, upon payment of the British plantation duties.

23 Geo. 3. c. 14. recited. Goods, the produce of Tobago, may be imported before Dec. 31, 1785, upon payment of British plantation duties. Purport of the oath to be taken by the importer.

C A P. XXVI.

An act for the better preservation and improvement of the river Wear, and port and haven of Sunderland, in the county Palatine of Durham.

Act 3 Geo. 1. Private act No. 3. 13 Geo. 1. c. 6. 20 Geo. 2. c. 18. The duties in that act, 2d. per chaldron of coals and cinders. Act 34 Geo. 2. A further duty of 2d. per chaldron of coals and cinders. The works done under the said acts; a large pier and key, and deepening the channel. The present situation and condition of the port: the east end of the pier ruinous. That the duties are insufficient. 1,400l. borrowed on the credit of the tolls. The importance of the port, etc. It would be convenient to have all necessary powers in one act. The term of the former acts continued, and the provisions of this act to be exercised for twenty-one years more. Commissioners appointed. The qualification of commissioners, 100l. per ann. Penalty on acting, not being qualified, 50l. Commissioners to take an oath of qualification yearly. Meetings, June 13, and as often as necessary. If not seven commissioners present, chairman to adjourn. Commissioners to pay their own expences at meetings. Chairman to be present at meetings; and have a determining vote. If chairman not able to attend on a notice left at his house, another to be chosen. Times for choosing the chairman, June 30, and Dec. 31, yearly. For electing commissioners on death, etc. in twelve months. Commissioners may appoint officers, and allow them salaries. Officers not to be removed unless eleven commissioners present. Commissioner who does not attend in twelve months, not to vote in removal or election of officers. Commissioners not to hold offices, etc. Officers to take an oath. Power for improving the navigation. Materials may be taken from private grounds, making satisfaction for damages. Power to purchase lands, etc. Incapacitated persons impowered to sell and convey. To ascertain the value, where persons do not treat to sell. Sheriff or coroner to return a jury. Jurors may be challenged. Jury to ascertain damages, etc. Verdict of Jury, etc. to be final; (except as after.) Witnesses or jurymen making default, may be fined. Fees to sheriff, and expences of jury, etc. by whom to be paid. Verdicts and judgements to be returned to the sessions. Damages done by the works being made, to be provided for. On tendering money agreed or ascertained, to proceed in the work. If any parties are dissatisfied with the jury's verdict, they may try the value, etc. in a feigned issue in the court of pleas at Durham. Expences of trial for settling damages, etc. to be paid according to the event. Lands, etc. to be used for the purposes of the navigation only, and the owners to hold and enjoy the same for other purposes. Commissioners not to have waggon ways, but for the purposes of navigation. Owners, masters, or skippers, to be answerable for damage done to the piers, etc. by any of the crew. The property of buildings, etc. vested in the chairman; who is impowered to prosecute. To prevent abuses and annoyances. A jury to be summoned. Jury to give in their verdict, etc. Time for repairing keys, etc. three months, and removing impediments. Further time to repair, etc. to be allowed, if necessary. Owners of lands may go thereon to build keys, etc. without being guilty of a trespass to the occupier. Commissioners may sue and be sued in the name

of their chairman. No action or indictment to be brought or preferred, but by order of eleven commissioners. To prevent skippers, etc. from overloading their keels used for ballast, to forfeit 40s. Owners and skippers names to be on the keel. Keels for ballast to be weighed, etc. Coal keels to be entered, and marked. Pitch, etc. shall be boiled on board vessels, by an iron instrument called a Loggerhead, on forfeiture of 5l. Time allowed for weighing and raising vessels sunk, twenty-four hours, or to pay damages. To prevent ballast being cast into the river, penalty 5l. To prevent casting ballast without a port sail, penalty 5l. To prevent ballast lying on the keys too near the edge, penalty 5l. Power for the engineer to remove ballast, etc. Penalty on taking coals, etc. on board of ships in the narrow, 5l. or in the channel between the high stairs, belonging to John Thornhill, esq; and the extreme east end of the pier; except between the said stairs and the coble slip, if but one ship in a tier, next to the key; or to the north side of the channel, if but one ship in a tier. Not to moor ships in the narrow, except as aforesaid. No ships to lie in the narrow, after being loaded or delivered, on penalty of 5l. Stopping the passage, or hindering the works, penalty 5s. an hour. Proceedings against offenders withdrawing. Commissioners may bring an action. Wilfully damaging the works, to answer damages. To prevent ships being milled by fire of limekilns, commissioners to build walls, to be repaired by the owner. New duties on coals and cinders, brought to the said river, between South Biddick or Biddick Ford, and the port of Sunderland, 3d. per chaldron by owners, and 1d. per chaldron by fitters. Commissioners may collect duties already due. For ascertaining the quantities of coals liable to duty, may examine on oath persons belonging to colliers. Exemption from duties; if coals be lost or used in making salt and glass, glass bottles, vitriol, copperas, earthen ware, bricks, tiles or lime, in limits of the said port, to be proved on oath. If the staitmen do not appear to be examined, owners may be charged with 8d. per chaldron, and fitters with 4d. per chaldron, for not above 25,000 chaldrons in a year, as the commissioners think fit. Commissioners may borrow money, and assign the tolls as a security. Form of assignment. Assignments may be transferred. Form of transfer. The manner of levying penalties, by distress and sale of goods. For rewarding informers. The money to be applied to pay the expences of act, and paying charge of several works done in pursuance of the act, and paying money borrowed and interest. Information to be given in six months, and prosecution in twelve months. Offenders not to be punished twice. Commissioner not to sit or vote in his own case. Proceedings to be entered in books, and to be evidence. No order to be quashed for want of form. No order to be repealed, unless eleven commissioners present. Commissioner being a justice may act as such. Power to make bye-laws; and notice thereof to be given by advertisement. Commissioners may administer an oath to prove serving of process, etc. Persons giving false evidence, to be deemed guilty of perjury. Quakers affirmation to be taken, under like pains and penalties. Officers to account. Penalty on default. For want of distress by commitment till account, &c. or by action. Officers to deliver up books, etc. when required so to do by the commissioners, or to be committed. Persons aggrieved may appeal to the quarter sessions. For preserving the keys, etc. used at the time of passing this act. Allowing the building of new keys, wharfs, and staiths. Nuisances may be punished at common law. Commissioners to satisfy damages occasioned by carrying on any new works; and keys, etc. to be rebuilt: damages to be assessed by a jury. Saving of rights to the lord bishop of Durham, and others. Navigation to be free. Limitation of actions. General issue. Treble costs. Publick act.

C A P. XXVII.

An act for the better relief and employment of the poor within the hundreds of Tunstead and Happing, in the county of Norfolk.

Persons seized of estates in their own right, or in right of their wives, of 30l. per ann. in the said hundreds of Tunstead and Happing, and justices of the peace residing therein, and all rectors and vicars, usually resident therein for 6 months, and occupiers of land, etc. of 100l. per ann. resident there, to be guardians of the poor, within the hundreds of Tunstead and Happing, in the county of Norfolk, and incorporated. Women to act by proxy. Corporation not to hold lands for more than five years. Poor to continue under the law of the churchwardens and overseers as they now are, until a house be provided for their reception. Children may be apprenticed by the guardians. Justices may grant redress to children misused. Children may be dismissed to their parents and friends. First meeting to be four weeks after the passing of the act, and to choose by ballot twenty-four directors. Qualifications of directors; 80l. per ann. in one of the said hundreds, or 60l. there, and 40l. in some other hundred. Persons seized of 300l. per ann. or heirs apparent to 600l. to act as directors. Officers to continue in office only during pleasure. Directors and guardians, at the first meeting, to deliver in their qualifications. Penalty on directors acting, not being qualified, 50l. Power to elect three directors not qualified. Officers to account, and pay the balance. Officer not accounting to be committed. Balance of money in hand at receiver's death, to be paid by his executors, etc. Directors may contract for lands and buildings. Incapacitated persons impowered to sell lands, etc. Directors may inclose thirty acres of waste; and, if no agreement can be made, may cause the value to be ascertained by a jury. Penalty on sheriff, jurymen, etc. making default, 10l. Directors impowered to exchange lands in certain cases, but not more than fifty acres; and those taken in exchange to be deemed freehold, and those given in exchange according to their former tenure. Accounts to be delivered to the directors of lands and tenements given for the benefit of the poor. Such lands and tenements may be let, etc. by the directors and guardians, with consent of the churchwardens, etc. May be let or sold by five directors, on four weeks notice in the Norwich newspapers. No director concerned in the letting or selling such lands, etc. shall be interested in any lease or contract. Monies arising by letting or sale, to be paid to the treasurer, and to be applied according to the direction of the donor of the lands, and the surplus distributed to the most meritorious poor. After purchase completed, possession shall be delivered to purchasers. Directing an allowance to be made to the parishes for town houses let or sold, at 5 per cent. per ann. for future rates. Money hereafter left for the poor, without any particular direction, is to be distributed to the poor of the parish; and overseers to forfeit treble value, if misapplied. Houses, etc. to be purchased, to be free of all parochial, county, or parliamentary taxes, except such as they were assessed at before the act. Directors to erect or provide necessary buildings for the reception of aged or infirm persons; another for children unable to work; another separate for the poor that are able to work, and working rooms; another for an infirmary for the sick; another separate for lunatics; also a chapel, and other necessary buildings; to be called The House for the Poor of the Hundreds of Tunstead and Happing; and also to inclose a burial ground, and may alter and enlarge the same, and to keep them in repair: the expences to be defrayed by money arising by virtue of the act. Persons obstructing the erection of such buildings, deemed guilty of felony. Seven directors to superintend the buildings. Power to get materials for building. For obtaining a supply of water, may enter any lands adjoining; but not to deprive any other house or lands of their water. Penalty of injuring the drains, etc. 10l. and not less than 40s. Recompence shall be made

for

for damages. Directors to furnish the house, and provide materials for employment of the poor, etc. The house to be built and furnished by contract. When the house is finished, a general meeting to be called, and the vacancy of directors filled up. Acting guardians to be appointed yearly, on the first Tuesday after the fifth of July. Power to make bye-laws. Bye-laws to be approved at the quarter sessions. Meetings annually on the first Tuesday after the 5th. of July, 10th. of October, 5th. of January, and the 5th. of April, at the house for the poor. Choice of new directors, guardians, and treasurer. At other quarterly meetings may fill up vacancies of directors and guardians. Division of directors and guardians in quarterly committees. That the weekly or quarterly meetings may be altered, and they may divide themselves into committees for each month. Penalty of 20s. for non-attendance of director, and 10s. for a guardian. Power to relieve occasional poor. Poor not having a legal settlement within the said hundreds, to be relieved by a justice, or guardian, till able to be removed, and to be reimbursed by the directors, or guardians, and they by the overseers of the parish where such person settled; and if the poor person die before examination, touching settlement, to be buried at the expence of the guardians and directors. Children becoming chargeable to the parishes, shall be received into the house, nurtured, and put out by the guardians. Not to affect the settlement of any person, &c. For punishing idle and disorderly persons, able but unwilling to work, as by the act of 17 Geo. 2. Churchwardens or overseers neglecting to make complaint thereof, to be fined. The husband or father of poor persons to assist in maintaining them. Guardians may apprehend idle persons refusing to work. Accounts to be settled and allowed at each quarterly meeting. Nine to constitute a quarterly meeting; four of which shall be directors. Directors may borrow money, but not more than 15,000l. in several sums of 1000l. each, and assign the rates as a security. Assignments transferable. Power to raise 6,000l. by annuities. Annuities may be transferred. Power to raise money by a scheme of survivorship, at not more than 5 per cent. No contributor to advance less than 50l. Assessments to be made at yearly and general quarterly meetings. Deficiencies to be made good by a re-assessment. Assessments not to exceed the poor rates on an average of seven years. Churchwardens and overseers may make assessments for other purposes. Houses and lands usually rated to continue chargeable. Churchwardens and overseers to attend first meeting, bring their books, and leave them with directors. For want of books and rates, to assess at their discretion. Churchwardens and overseers to aid and assist directors and guardians in execution of this act. Penalty on default, 5l. Every director and acting guardian, failing in his duty of holding quarterly meeting, to forfeit 5l. Directors and acting guardians may grant certificates with the persons who shall remove. All certificates to be delivered to the directors. Penalty of 40s. on overseers, &c. suffering persons to reside without certificate, or not informing directors of single women suspected to be with child. Parishes liable to maintain such paupers as shall, by such neglect, gain settlements. Bonds of indemnity against bastards, already given to parish officers, to be delivered to the officers of the directors, and acting guardians; and the corporation may sue thereon in their own name; and all future bonds to be their property. Churchwardens and overseers, to be ordered by a justice to find work for the poor, or make them a weekly allowance in the mean time; which is to be reimbursed out of the parish rates, over and above the money to be raised by this act. A governor and matron to be appointed; a surgeon or apothecary; a clergyman; and schoolmaster. Such poor as shall misbehave, or be guilty of any vice or immorality, may be inflicted by order of the directors and acting guardians, at weekly meetings, viz. if a child under 12 years of age, by moderate correction, or abatement of diet, or distinction in dress and diet; above that age, by solitary confinement, abatement of diet, or distinction in dress or diet; or by putting in the stocks, for not more than two hours for one offence, or to be fed with bread

bread and water only, not more than twenty-four hours. The apparel of the poor to be the property of the guardians and corporation; and for purloining, ſelling, pawning, or carrying away, any materials, furniture, or implements of work, or other their effects, or any apparel, or running away without leave, may be apprehended by juſtices warrant, and committed to hard labour for not more than twenty-one days, nor leſs than five days, and to be whipped privately; and for the ſecond offence, to be puniſhed as if convicted of petit larceny. Perſons receiving ſtolen goods and clothes to forfeit not more than 10l. nor leſs than 40s. to be levied by diſtreſs and ſale of goods; and if no goods, to be committed to hard labour not leſs than ſeven days, nor more than three calendar months. Governor and officers, for purloining, embezzling, or wilfully miſapplying any money, or goods, or damaging any materials, or implements of work, utenſils, goods, and chattels, belonging to the ſaid corporation, to be diſcharged from their offices and pay 10l. and treble the value of ſuch money or goods, &c. to be levied by diſtreſs and ſale of goods, in the ſame manner as overſeers of the poor by this act, and applied to the uſe of the poor of the houſe; and if no diſtreſs found, to be committed to the houſe of correction for not leſs than one, nor more than ſix calendar months. Directors and guardians may act as juſtices. Power to juſtices to proceed in all caſes, not otherwiſe provided for in this act. Encouragement to be given to the induſtrious out of the profits of their work, at the diſcretion of the directors, &c. and to the governor and matron in office. Profits of the work to go in aid of the rates. The poor may be hired out to harveſt or other work. Juſtices to ſettle differences between them and people employing them. Directors may contract for employment of the poor. Perſons contracting with the corporation not to act as guardians. Hours of work limited to ten hours a day, and to be allowed not leſs than ſix, nor more than twelve days every year for recreation; and parents and relations may have acceſs to the poor at all proper times, except meal times. Guardians to pay their own expences. Majority to determine all queſtions. Directors, &c. may appoint ſpecial conſtables. Governor may execute warrants. Punishment on conveying ſpirituous liquors into the houſe, the ſame as by 24 Geo. 2. c. 40. for conveying ſpirituous liquors into gaols. If ten guardians ſeiſed together of eſtates of the annual value of 6,000l. aſſembled at a general quarterly meeting, deſire a general meeting, on three weeks notice in Norfolk newspapers; and in caſe they then prove any miſmanagement or abuſe of truſt in the preſent directors and acting guardians, others may be choſen by the rules in the act. Penalties and forfeitures coming to the hands of any churchwarden, overſeer, or conſtable, to be accounted for to the treaſurer, and applied to the uſe of the corporation, as judged proper. Penalties and forfeitures to be recovered by diſtreſs and ſale of goods, and paid to the treaſurer, and the overplus returned to the owner; and if no diſtreſs found, the offender to be committed for not more than two months, or till paid. Money borrowed on ſecurities may be diſcharged on ſix months notice by lot. That notice ſhall be given of paying of the money. In caſe of reſuſal to receive the ſame, intereſt to ceaſe. Three months notice to be given. This act not to extend to the pariſh of North Waltham. Reſidence in North Waltham no diſqualification to be director or guardian. Appeal allowed againſt guardians and directors as againſt juſtices of the peace. Expences of this act to be paid firſt. Limitation of actions. General iſſue. Treble coſts. Publick act.

The SCHEDULE to which this Act refers.

Form of mortgage upon the rates for relief of the poor within the hundreds of Tunſtead and Happing, for ſecuring the money borrowed, and the intereſt thereof.

WE being of the Form of directors and acting guardians of the poor within the hundreds mortgage. of

of Tunstead and Happing, in the county of Norfolk, by authority of an act passed in the twenty-fifth year of the reign of his majesty King George the Third, for the better relief and employment of the poor within the said hundreds of Tunstead and Happing, at a meeting assembled, of which the said _____ is chairman, held under the said act, at _____ on the _____ day of _____

one thousand seven hundred and _____ do hereby mortgage and charge all the rates to be raised within the said hundreds, under the description of poors rates; by the said act, with the payment of the sum of _____ which hath proposed and agreed to lend, and hath now actually advanced and paid, towards the expence of building a house or houses for the reception of the poor of the said hundreds, and otherwise carrying the said act into execution; and we do hereby confirm and establish the said mortgage and charge hereby made, unto the said _____ his executors, administrators, and assigns, for securing the repayment of the said sum of _____ and interest for the same, after the rate of _____ per centum per annum, and do order the treasurer to the said directors and acting guardians to pay the interest half-yearly, as the same shall become due, until the principal shall be discharged, pursuant to the direction of the said act.

(L. S.)

Form of charges on the poors rates for securing the annuities.

WE, &c. [as in the form of a mortgage] do hereby, in consideration of the sum of _____ which hath proposed and agreed to pay, and hath now actually paid, towards defraying the expence of building the said house or houses, and of otherwise carrying the said act into execution, charge and make chargeable all the rates raised for relief of the poor within the said hundreds under the act now in being, with the payment, to the said _____ his executors, administrators, and assigns, of one _____ annuity or yearly sum of _____ for the term of _____ years, [or, the life of the said _____ as the case may require]; and we do hereby confirm and establish the said annuity or yearly sum unto the said _____ his executors, administrators, and assigns, and do order the treasurer to the said directors and acting guardians to pay the said annuities or yearly sum half-yearly, as the same shall become due, pursuant to the directions of the said act.

Form of agreement and mortgage by way of tontine.

Tontine mortgage.

WHEREAS A. B. C. D. have agreed with the directors and acting guardians of the poor within the hundreds of Tunstead and Happing, in the county of Norfolk, to advance jointly and together, towards carrying on the building of a house or houses for the reception of the said poor, under an act of the twenty-fifth of his majesty King George the Third, for the better relief and employment of the poor within the said hundreds of Tunstead and Happing, in shares of _____ each, by loan, at legal interest, and in the nature of a tontine, with benefit of survivorship; and have actually advanced the same, and have also mutually agreed amongst themselves, that the interest of the said sum so advanced by the said parties shall, as it becomes due, be paid to, and distributed equally share and share alike, amongst them the said joint partners; and the survivors or survivor of them shall be entitled to, and receive the full amount of the interest of the above principal sum, during his [or her, or their] natural life or lives, after which time the said principal and interest shall sink into and become a part of the stock of the said directors and acting guardians: now we the said directors and acting guardians do confirm and establish the said tontine, and do

do charge all the rates raifed for the relief of the poor within the faid hundreds, by authority of the faid act, or of any laws now in being, with the payment of the faid intereft for and during the natural lives or life of the faid A. B. C. D. and the furvivors or furvivor of them, and direct our treafurer to pay the faid intereft half-yearly, in the manner and to the perfons above-mentioned.

Form of transfer.

I DO transfer this fecurity, with all my right and title to the principal money hereby fe cured, and to all intereft now due, or hereafter to be due, unto C. D. his executors, administrators, and affigns.

Dated this

day of

Witness E. F.

A. B.

C A P. XXVIII.

An act for opening an eafy and commodious communication from the High Street of Edinburgh, to the country fouthward; and alfo from the Lawn Market to the new extended royalty on the north, and for enabling truftees to purchafe lands, houfes, and areas for that purpofe; for widening and enlarging the ftreets of the faid city, and certain avenues leading to the fame; for rebuilding or improving the univerfity; for enlarging the publick markets, and communications thereto; for regulating certain taxes; for lighting the faid city; for providing an additional fupply of water; for extending the royalty of the faid city; and for levying an additional fum of money for ftatute labour in the middle diftrict of the county of Edinburgh.

Recital of 26 Geo. 2. c. 36. and 7 Geo. 3. c. 27. Truftees for the univerfity of Edinburgh and South Bridge, the right honourable James Hunter Blair lord provoft of Edinburgh, the right honourable Henry Dundas of Melvil, the right honourable Ilay Campbell lord advocate of Scotland; fir William Forbes baronet of Pitfligo, Robert Macquon of Braxfield efquire, one of the fenators of the college of juftice, Archibald M Dowal efquire, merchant and dean of the guild of Edinburgh, John Grieve efquire, merchant in Edinburgh, Mr. William Jamiefon, mafon and convener of the trades of Edinburgh, John Davidfon efquire, writer to the fignet, Niel M'Viccar efquire, merchant in Edinburgh, and James Brown efquire, architect in Edinburgh, for erecting fuch buildings in the univerfity of Edinburgh as they fhall think proper; and for making the accels from the High Street there to the country on the fouth, eafy by a bridge over the Cowgate, and by ftreets, &c. on the fouth fide of the city. On death of truftees, new ones to be chofen. Meetings of truftees on the third Monday in June, fix or more to chufe a prefes, to continue a year, and have the cafting vote. Truftees to bear their own expences, and to meet four times a year. Lord provoft, magiftrates, and town council, to form a commodious accels from the Lawn Market to the weft part of the new extended royalty; by the mound or paffage acrofs the North Loch to Prince's Street; to enlarge the publick markets, and make roads thereto, and to erect a bridge between the road to Leith and Calton Hill, acrofs Calton Street, and bring into the city frefh water, &c. The city divided into two diftricts, one The Ancient Royalty, and the other The Extended Royalty, and the line of divifion to be the key-ftones of the middle arch of the bridge over the North Loch, running eaft to Trinity College church, and weft to the north fide of the caftle, in a line along the middle of the low ground, formerly the North Loch. Commiffioners for lighting the ftreets of the Ancient Royalty named; and alfo commiffioners for lighting the ftreets of the Extended Royalty. Meetings of commiffioners, or eight of them; for the Ancient Royalty in the council chamber of Edinburgh, and for the Extended Royalty in Saint Andrew's church; each to chufe a com-
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vener, to call meetings for the year, on ten days notice in newfpapers. Five commissioners to go out of office annually, and others to be elected in their room. Commissioners fhall go out of office by rotation, as they ftand on the roll. Qualification, poffeffing an houfe of 181. per ann. rent in the diftrict. Powers of trustees to make a bridge over the Cowgate, and to agree with the owners and occupiers of houfes and ground on the fouth fide of the High Street, bounded by Merlin's Wynd on the weft, and Niddry's Wynd on the eaft, and all houfes and areas between the faid Wynds to Cowgate on the fouth, and from thence to Nicolfon's Street, particularly mentioned. All the prefent road leading from the Cowgate to College Street, through Adam's Square, and twenty feet to the weft of the faid road; on the weft fide of which area, oppofite the houfes of George Buchan of Kello efquire, lord prefident of the court of feffion, Alexander Farquharfon and Robert Chalmers efquires, no building to be erected, except a wall fix feet high; all houfes and grounds from profefor Hamilton's houfe to the Infirmary Ground, bounded by College, or Infirmary Street, on the north, and the infirmary ground on the eaft; all houfes, &c. from the corner of Cowgate, and the weft fide of Aitken's Clofe, in a line fouth, fixty feet eaftward from the centre of lady Nicolfon's pillar, and weft in a line to a point forty feet weftward, and from the faid point in a line parallel, till it meet the town wall, and as much more ground as is neceffary to form a road parallel to the town wall forty feet wide, in a line from lady Nicolfon's pillar fixty feet eaftward; and for all houfes, grounds, and areas on the fouth-fide, and fronting High Street, one hundred and fifty feet weftward from the weft wall to Tron Church, and from the weft end of the faid line fouthward two hundred feet in a parallel line with Merlin's Wynd, and from thence eaftward to Merlin's Wynd, and from the fouth of the faid fpace to the Cowgate, including the weft fide of Merlin's Wynd, and both fides of Peeble's Wynd, and the timber houfe eaft of Niddry's Wynd, fronting High Street. For making fatisfaction to John Adam efquire, for the damage that may be done to his houfe. For making fatisfaction to Thomas Carnegie efquire, for damages refpecting the ground, to open the communication, &c. Powers of trustees to make a proper communication to the fouthward of faid bridge; and to purchafe houfes and grounds neceffary for the above purpofe. Where proprietors refufe to fell their houfes or grounds, a jury to be fummoned. Witneffes may be examined on oath. Verdict of jury, &c. to be final. Fines to be impofed on jurymen or witneffes making default. By whom the expences of juries fhall be borne. Purchafemonies awarded are to be tendered to the party, and if refufed, paid into the bank of Scotland, or into the royal bank of Scotland. After fuch payments, trustees may pull down houfes; &c. Monies paid for damages to be fettled to the ufes the premifes taken were fettled. For registration of feafines and renunciations. 1 Geo. 2. c. 22. Regulations relative to houfes infured in the Edinburgh Friendly Infurance. Policies may be transferred to other houfes of equal value. Trustees may, by publick roup, difpofe of ufelefs ground. Monies arifing thereby, &c. to be applied towards the purpofes of the aft. Trustees to keep a record of their proceedings, and regular accounts. In cafe of furplus of money, to be applied towards paving Nicolfon's Street, and buildings in the univerfity of Edinburgh. In cafe the funds are deficient, 10 per cent. on the valued rent may be levied; but no more. If not paid within eighteen months, trustees may levy the fame. For rebuilding the univerfity. Nicolfon's Street, and the crofs ftreets leading thereto, and the roads on the fides of the triangular piece of ground belonging to the heirs of lady Nicolfon, deemed publick ftreets. The lord provoft, magiftrates, and town council, impowered to make a commodious accefs from the Lawn Market to the new extended royalty; and to make a road by the north fide of the caftle; and to make a bridge over the Calton Street. Powers vefted in the magiftrates and town council. Lord provoft, &c. to have no claim on any perfon on account of damages by making the purchafes. Powers of commissioners for lighting the faid city. Rates 21.

per cent. on the valued rent. Rates may be levied by distress and fale of goods in three days by publick auction. Houses of 31. per ann. exempted. A collector and clerk to be appointed by the commissioners of each district. Commissioners may contract for lamps and lighting. Collectors to account annually. Money raised by the commissioners for lighting streets. Commissioners to defray their own expences. An additional supply of water to be brought into the city. Sheriff depute of the county impowred to determine any dispute relative thereto. Persons aggrieved by the sheriff, may apply to the court of session. Limitation of appeal in twenty days. The said sheriff impowred to summon a jury to ascertain damage done to grounds by bringing in said water. Jurors may be challenged. Sheriff depute to order payment of sums awarded, and to enforce verdicts of juries. On failure of a supply of water, heritors may purchase springs, &c. at or near Over Libberton, before June 24, 1788. Heritors may prosecute suits in that behalf. Magistrates, &c. for neglect of bringing spring water in twelve months, to forfeit their right to the springs, and the same are vested in the heritors of the eight districts south of Edinburgh. Land tax to be rated on all houses in the extended royalty, &c. Stent-masters to be appointed, to value the rent of houses, &c. Land tax to be levied as by law respecting Scotland. Proprietors to be answerable for collectors. Valuations of rent settled by arbitration to be final. Impowering the magistrates of Edinburgh to appoint stent-masters, in case the present stent-masters do not act. Duties payable to the city on wines, spirits, mum, and beer, and other liquors, to be continued on vintners, taverns, or inns, and on publick houses, and in the city of Edinburgh, or the royalty or liberties thereof, in the parish of St. Cuthberts, south and north Leith, and Canongate; and to be payable in Nicolson's Street, etc. Said duties to be taken off private families. An additional sum of one per cent. to be levied on the valued rent of, houses. For levying an additional sum for statute labour in the middle district. The royalty extended over five acres of the lands of Broughton, purchased of the heirs of John Dickson of Kilbucho esquire; and one acre one rood and eleven falls belonging to the right honourable James Montgomery, lord chief baron of the exchequer in Scotland, and other trustees, for building a repository for the records of Scotland, who by their charter, dated June 26, 1776, are bound to pay a proportionable part of the taxes and publick burdens. Houses to be built thereon liable to city rates. Extension of the royalty subject to the provisions of 7 Geo. 3. c. 27. Powers to drain the meadow on the south side of the city. Reservation of rights in the eight districts. Not to infringe the act of 10 Geo. 3. in regard to the south districts, and the rights of the city of Edinburgh reserved. Continuance of this act to January 1, 1795, and no longer. Saving the rights of the college of justice. Expences of this act to be paid one-third by the lord provost for the city, another third by the trustees for building the bridge over the Cowgate, and the other third by the commissioners for lighting the streets. Publick act.

C A P. XXIX.

An act to explain, amend, and render more effectual, an act passed in the twenty-third year of his present Majesty's reign; intituled, An act for authorising the treasurer of the navy to pay to the garrison and naval department at Gibraltar, the like bounty for destroying certain Spanish ships of war, as is allowed to the officers and men on board any of his Majesty's ships of war taking or destroying ships of war belonging to the enemy.

WHEREAS by an act, made in the twenty-third year of Preamble.
*the reign of his present Majesty, (intituled, An act for au- 23 Geo. 3.
 horising the treasurer of the navy to pay to the garrison and c. 16. recited.*

naval department at *Gibraltar*, the like bounty for destroying certain *Spanish* ships of war, as is allowed to the officers and men on board any of his Majesty's ships of war taking or destroying ships of war belonging to the enemy), it is, among other things, enacted, That the commissioners of his Majesty's navy shall, and they are thereby authorised and required (upon proof made to the satisfaction of the said commissioners, by certificates or otherwise, of the number of men living on board the said *Spanish* ships of war at the time of the attack and surrender of them respectively), to make out bills for the amount of the said bounty, directed to the treasurer of his Majesty's navy, to be divided amongst the officers, soldiers, seamen, and marines, within and belonging to the said garrison and naval department, at the respective times aforesaid, in such manner, and in such proportions, as his Majesty should graciously please to order, direct, and appoint; and the treasurer of the navy was thereby authorised and required to pay all such bills, according to the course of the navy; to the said officers, soldiers, seamen, and marines, or to such agent or agents as they should authorise or appoint to receive the same: and whereas, besides the bounty money given by the said act, and received by the agent or agents appointed by the late garrison and naval department of *Gibraltar*, to receive and distribute the same, the said agent or agents have received, and are likely to receive, under and by virtue of the like appointment, further sums to a considerable amount; which further sums are or may be distributable to and amongst the officers, soldiers, seamen, and marines of the said garrison, as prize money, in such or the like shares and proportions as the said bounty money has been distributed, or is distributable: and whereas the distribution of such part of the said bounty money and prize money, as hath been allotted to and remains to be distributed, and shall hereafter be allotted to, and distributable among, the officers and soldiers of such of the *British* regiments and royal artillery, which formed part of the said garrison, and are still subsisting corps, may be greatly facilitated if the prize agent or agents, appointed as aforesaid, were authorised to pay the same over to the agents for the time being of the said *British* regiments and royal artillery, in order that the same may be paid and distributed by them to and among such of the officers and soldiers of the said corps as are intitled to receive the same: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the secretary at war, the governor of *Chelsea Hospital*, and the adjutant general of his Majesty's forces for the time being, together with the present governor, and lieutenant governor of *Gibraltar*, shall be, and they are hereby appointed commissioners for the inspecting, examining, and settling of all accounts of such bounty money and prize money, with the prize agent or agents who have received, or shall hereafter receive, all or any part of the said bounty money and prize money, and for directing the future distribution of the said bounty money and prize money, as it shall,

Commissioners appointed for settling accounts of bounty money, etc. with prize agents.

shall, from time to time, come to the hands of the said prize agent or agents; such distribution nevertheless being always to be made in such and the like shares and proportions, as have been heretofore settled and observed with respect to the said bounty money and prize money already received and distributed, unless his Majesty shall think fit to order any variation in the same.

II. *And, for the better enabling the said commissioners to inspect and examine such accounts, and to order such distribution to be made in future;* be it enacted by the authority aforesaid, That the

prize agent or agents who now are, or hereafter shall be appointed, by the officers, soldiers, seamen, and marines, of the said garrison of *Gibraltar*, to receive their several shares of bounty money or prize money, which hath already been, or shall at any time hereafter be allotted and distributable to and amongst them as aforesaid, is and are hereby required, within one calendar month after the passing of this act, and once in every three months after the expiration of the said calendar month, to deliver to the said commissioners, and each of them, a true and perfect account in writing of his and their receipts and disbursements of the said bounty money and prize money, and of the balance remaining in his or their hands, distinguishing such money as shall be then in a course of distribution, from such money whereof no distribution shall have been then directed; which account the said commissioners are hereby authorized and required to inspect and examine; and it shall and may be lawful for them to demand, and the said prize agent or agents is and are hereby required, from time to time, to furnish to them, and each of them, such further information as may be necessary, by production of any books, papers, or vouchers, in his or their custody or possession, relating to the said bounty money or prize money.

Prize agents to deliver to the commissioners accounts of their receipts and disbursements, &c.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, or a majority of them, after inspection and examination of such accounts as aforesaid, from time to time, as they shall see fit and reasonable, to order, by writing under their hands and seals, a distribution, by the said prize agent or agents, of the whole or any part of such bounty money or prize money, as shall have come to his or their hands, and of which a distribution shall not before have been made by the said prize agent or agents, on such day or days as they shall think proper; which order of the said commissioners shall, and is hereby declared to be binding upon the said prize agent or agents, who shall forthwith proceed to make a distribution accordingly.

Commissioners may order a distribution of bounty money, etc. in the hands of agents.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, or a majority of them, from time to time, if they shall see fit, by writing under their hands and seals, to authorize and direct the said prize agent or agents to pay over to the regimental agent or agents for the time being, of such of the said *British* regi-

Commissioners empowered to order the prize agents to pay to the regi-

gents, etc. fuch shares of bounty money, etc. as shall hereafter remain in their hands.

ments and royal artillery as are still subsifting corps, and to the persons who were, on the thirteenth day of *September*, one thousand seven hundred and eighty-two, colonels or commanding officers of *British* regiments at *Gibraltar*, which have since been reduced or disbanded, or to such agent or agents as shall be appointed by the said colonels or commanding officers respectively, for the purpose of their being distributed by such regimental agent or agents, colonels or commanding officers, or their agent or agents respectively, as aforesaid, to and among the officers and soldiers of such subsisting and disbanding corps respectively, all and every the shares of such bounty money or prize money, which shall at any time or times hereafter be or remain in the hands of the said prize agent or agents, under or in a course of distribution, including in such payment to such regimental agent or agents, all and every the shares of such officers, non-commissioned officers, and soldiers, as were a part of the said still subsisting corps whilst on service at *Gibraltar*, but who may since have died, quitted, or been discharged from the same, after deducting from all and every such payment or payments as aforesaid the usual allowance of five pounds *per centum*, by way of commission on such bounty money and prize money so received and paid by him or them as aforesaid; and the receipts or acquittances which shall from time to time be given, by the said regimental agent or agents, colonels, or commanding officers, or their agent or agents respectively, as aforesaid, to the said prize agent or agents, shall be, and shall, in the settling and allowance of the accounts to be rendered by the said prize agent or agents, with the said commissioners, or the major part of them, be accepted and received as good and sufficient vouchers for all and every such payment and payments as aforesaid.

Receipts of regimental agents, etc. to be accepted as vouchers of payment.

Commissioners not to direct commanding officers to receive such shares, unless upon their request, etc.

V. Provided always, and it is hereby also enacted, That the said commissioners shall not authorise or direct the said colonels or commanding officers of *British* regiments, or their agent or agents respectively, to receive from the said prize agent or agents any part of the shares so due as aforesaid, unless upon application previously made to them by such colonel or commanding officer requesting such authority or direction; nor unless such colonel or commanding officer, or his or their agent or agents respectively, shall also, previously to his or their receiving such authority and direction, give full and ample security to the satisfaction of the said commissioners, or a majority of them, for the due and faithful distribution of such monies so directed to be paid to them as aforesaid.

From Jan. 1, 1788, no claim to shares of bounty money, etc. to be received, without consent of commissioners.

VI. And be it further enacted by the authority aforesaid, That, from and after the first day of *January*, one thousand seven hundred and eighty-eight, no claim or claims shall be admitted or received by the said prize agent or agents, nor by the said regimental agents, nor by the said colonels or commanding officers, his or their agent or agents respectively, or any of them, to any share or shares of the said bounty money or prize money, unless the said commissioners, or a majority of

of them, shall see good reason to declare a further day for receiving and admitting such claim or claims; in which case the said commissioners, or a majority of them, may, by writing under their hands, fix a further day, not exceeding twelve months after the said first day of *January*, one thousand seven hundred and eighty-eight, for receiving and admitting such claims.

VII. And be it further enacted by the authority aforesaid, That when the time by this act limited, or to be limited by authority thereof, for receiving and admitting such claims as aforesaid, shall be expired, the said prize agent or agents, and also the said regimental agent or agents, and the said colonels or commanding officers, his or their agent or agents respectively, in case any of the said bounty money or prize money shall have been paid to them, or any of them, by virtue of any of the directions and provisions contained in this act, shall, within three months after the expiration of the time so limited or to be limited as aforesaid, deliver to each of the said commissioners an exact account in writing, attested upon oath, which oath the said commissioners, or a majority of them, are hereby authorized and required to administer, of all receipts and disbursements, and of all money remaining in their hands, custody, or power respectively, for or on account of the shares unclaimed of such bounty money and prize money, or on any other account; and shall also produce and shew to the said commissioners, or the major part of them, and verify the same upon oath, if thereunto required, all books, papers, and vouchers, necessary or material for explaining the said accounts; and shall pay and deliver, or cause to be paid and delivered, to such commissioners, or a majority of them, all such money remaining in his or their hands respectively, taking from the said commissioners, or such majority of them, their acquittance or acquittances for the same, which acquittance or acquittances is and are hereby declared to be valid and effectual; any thing in any former law contained to the contrary notwithstanding.

VIII. And be it further enacted, That all and every person and persons, hereby directed to deliver all or any of the accounts so required to be delivered and verified upon oath as aforesaid, who shall refuse or neglect to deliver all or any such account or accounts to the said commissioners herein-before mentioned, or a majority of them, within the time before limited and appointed in manner and form as is herein-before mentioned and required; or who shall neglect or refuse to pay and deliver over, within ten days after the settling of such accounts, all and every such sum or sums of money as shall remain in his or their custody, power, or possession, after settling such accounts as aforesaid, shall, for every such offence, forfeit the sum of one hundred pounds, over and above such money then in his or their hands respectively; one third part whereof shall belong to his Majesty, and the remaining two thirds to the royal hospital at *Chelsea*, to be recovered by the treasurer

Prize agents, etc. within a limited time, to deliver to each commissioner an account of all receipts and disbursements, etc. relative to bounty and prize money;

and all such money remaining in their hands.

Persons neglecting to deliver accounts, and to pay the balance,

shall forfeit 100l.

for the time being of the faid royal hospital, with costs of fuit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, in which no effoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed.

If any fraud shall be committed in stating, etc. of faid accounts, the offender to forfeit 100l.

IX. And be it further enacted, That if any fraud, collusion, or deceit, shall be wittingly, or wilfully made, used, committed, permitted, done, or suffered, in making, stating, or balancing, any such accounts so to be verified upon oath as aforesaid, then all and every person or persons, who shall be thereof duly convicted, shall forfeit and pay, for every such offence, over and above the penalties inflicted by this act, the sum of one hundred pounds; one third part whereof shall be to the use of his Majesty, one other third to the use of the faid royal hospital at *Chelsea*, and the other third to the informer who shall sue for the same, to be recovered, with costs of fuit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, in which no effoin, privilege, protection, or wager of law, or more than one imparlance, shall be allowed.

Money arising from unclaimed and forfeited shares, how to be applied.

X. And be it further enacted by the authority aforesaid, That all such money as shall arise from the unclaimed shares of such bounty money or prize money, or otherwise, which shall be received by the faid commissioners, or a majority of them, upon settling such accounts as aforesaid, shall (after deducting such charges and expences as shall seem reasonable to the faid commissioners) be, as to so much thereof as may arise from the unclaimed shares of the soldiers, by them immediately paid over to the treasurer of *Chelsea Hospital* for the time being; and so much thereof as may arise from the forfeited and unclaimed shares of the seamen and marines, be by them immediately paid over to the treasurer of *Greenwich Hospital*, who shall, and are hereby respectively authorised to give them a full and complete discharge for the same; and the faid money, when so received by the faid respective treasurers, shall by them be carried to the credit, and shall be applied to the use and benefit of the faid hospitals respectively; any thing in an act passed in the twentieth year of the reign of his present Majesty, (intituled, *An act to amend an act, made in the last session of parliament, intituled, An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy; and for making further provisions for those purposes*), to the contrary thereof in any-wise notwithstanding.

20 Geo. 3.
C. 23.

Ordnance, etc. fished up from the ruins of the Spanish battering ships, how to be disposed of.

Xi. And whereas a great number of brass and iron ordnance, anchors, cables, and other stores, have been fished up from the ruins or wreck of the Spanish battering ships which were destroyed on the late attack of Gibraltar, to a considerable amount in value; be it enacted, That all sums of money which have arisen, or shall hereafter arise, from the sale of such ordnance, anchors, cables, and stores; as have already been, or shall hereafter be fished up from the ruins or wreck of the faid battering ships, within three years

years from the first day of *January*, one thousand seven hundred and eighty-five, shall be divided amongst the said garrison and naval department who were present at *Gibraltar* on the ever memorable day, the thirteenth day of *September*, one thousand seven hundred and eighty-two, in such shares and proportions as the said bounty money has been ordered to be divided, unless his Majesty shall be pleased to make any variation in the said division.

XII. And be it further enacted, That the said commissioners, or a majority of them, shall and may order the expences of passing this act, and such expences as shall arise in carrying the same into execution, to be paid from time to time by the said prize agent or agents, out of such bounty money or prize money as shall be in his or their hands, of which a distribution shall not have been declared, and shall allow to the said prize agent or agents, on settling his or their accounts, such sum or sums of money as he or they shall have paid by virtue of, and in compliance with such order or orders as aforesaid.

Expences of this act how to be paid.

XIII. And be it further enacted, That so much of the said hereby in part recited act of the twenty-third year of his present Majesty, and of the before-mentioned act of the twentieth year of his present Majesty's reign, as can or may extend to make the said prize agent or agents, appointed by the said garrison and naval department of *Gibraltar*, in any manner accountable to the treasurer of *Greenwich Hospital*, his deputy or deputies, agent or agents, in respect of any bounty money or prize money due or belonging to the said garrison and naval department, which has or may hereafter come to the hands of the said prize agent or agents, shall, and is hereby declared to be utterly repealed and made void.

Part of 23 Geo. 3. c. 16. and 20 Geo. 3. c. 23. repealed.

C A P. XXX.

An act for granting to his Majesty certain duties on shops within Great Britain.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, in order to raise the necessary supplies which we have freely granted to your Majesty in this session of parliament, have resolved to grant unto your Majesty the several new rates and duties hereinafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, there shall be raised, levied, and paid unto his Majesty his heirs and successors, throughout *Great Britain*, upon every house, or other building, now or hereafter to be erected, viz.

Preamble.

From July 5, 1785, the following duties shall be paid for all shops throughout *Great Britain*, viz.

erected, any part of which ſhall for the time being be uſed as a ſhop, publickly kept open for carrying on any trade, or for ſelling any goods, wares, or merchandize, by retail, and upon every building or place uſed as a ſhop only, for the purpoſes before-mentioned, a yearly duty according to the ſeveral and reſpective rates following; (that is to ſay),

From the yearly rent of 5l. to 10l.— 6d. in the pound:

For every ſuch houſe, or other building or place, of the yearly rent or value of five pounds, and under ten pounds, the yearly ſum of ſixpence in the pound of ſuch rent or value:

10l. to 15l.— 1s. in the pound:

For every ſuch houſe, or other building or place, of the yearly rent or value of ten pounds, and under fifteen pounds, the yearly ſum of one ſhilling in the pound of ſuch rent or value:

15l. to 20l.— 1s. 6d. in the pound:

For every ſuch houſe, or other building or place, of the yearly rent or value of fifteen pounds, and under twenty pounds, the yearly ſum of one ſhilling and ſixpence in the pound of ſuch rent or value:

20l. to 25l.— 1s. 9d. in the pound:

For every ſuch houſe, or other building or place, of the yearly rent or value of twenty pounds, and under twenty-five pounds, the yearly ſum of one ſhilling and nine-pence in the pound of ſuch rent or value:

25l. and upwards, 2s. in the pound.

And for every ſuch houſe, or other building or place, of the yearly rent or value of twenty-five pounds and upwards, the yearly ſum of two ſhillings in the pound of ſuch rent or value:

Which ſaid yearly rates and duties ſhall be aſſeſſed and paid in manner herein-after expreſſed.

The above duties to be paid in addition to thoſe granted by 6 Geo. 3. c. 38;

II. And be it further enacted, That the ſaid ſeveral yearly duties, ſo charged as aforeſaid, ſhall be paid over and above, and in addition to the reſpective duties charged by an act, made in the ſixth year of his preſent Maſteſty, intituled, *An act for repealing the ſeveral duties upon houſes, windows, and lights; and for granting to his Maſteſty other duties upon houſes, windows, and lights;* and by another act, made in the nineteenth year of the reign of his preſent Maſteſty, intituled, *An act for repealing the duties on all inhabited houſes, impoſed by an act made in the laſt ſeſſion of parliament; and for granting to his Maſteſty other duties upon all inhabited houſes in Great Britain, and for amending the ſaid act; and alſo for amending ſo much of an act made in the ſeventeenth year of the reign of his preſent Maſteſty, as impoſes a duty upon all ſervants retained or employed in the ſeveral capacities therein mentioned;* and by another act, made in the twenty-fourth year of the reign of his preſent Maſteſty, intituled, *An act for repealing the ſeveral duties on tea, and for granting to his Maſteſty other duties in lieu thereof; and alſo ſeveral duties on inhabited houſes; and upon the importation of cocoa nuts and coffee; and for repealing the inland duties of exciſe thereon.*

19 Geo. 3. c. 59.

and 24 Geo. 3. c. 38.

Fiſt aſſeſſment for three quarters, etc,

III. And be it further enacted, That the fiſt aſſeſſment of the ſaid duties ſo hereby granted as aforeſaid, ſhall be made for three quarters of a year, from the fiſth day of July, one thouſand

land seven hundred and eighty-five; and afterwards that the assessment of the said duties shall be made for one whole year, from the fifth day of *April* in every year.

IV. And be it further enacted, That the said several duties by this act granted as aforesaid, shall be paid quarterly on the four following days of payment in the year; (that is to say), the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*, in every year, by equal portions; the first payment thereupon to be made on the tenth day of *October*, one thousand seven hundred and eighty-five.

Duties to be paid quarterly.

V. And be it further enacted, That the said duties, granted by this act as aforesaid, shall be charged only upon the inhabitants or occupiers for the time being of the houses, buildings, or places hereby charged, or their respective executors, or administrators, and not on the landlord or landlords who shall have let or demised the same, except in the case herein-after mentioned; any covenant or agreement made or entered into previous to the passing of this act, relative to the payment of any duties imposed, or to be imposed on such houses, buildings, or places, or upon such inhabitants or occupiers in respect thereof, to the contrary notwithstanding.

by the occupiers.

VI. And be it further enacted, That where any house shall, by reason of having some part thereof used as a shop, be liable to any of the duties so by this act charged as aforesaid, such house shall be assessed under this act at the same yearly rent or value as the same shall for the time being be assessed at, for and in respect of the duties on inhabited dwelling-houses, by virtue of the said act made in the nineteenth year of his present Majesty; and where any building or other place, not being subject to any of the duties on inhabited dwelling-houses, shall, by reason of the whole or some part thereof being used as a shop, be liable to any of the duties charged by this act, such building or place shall be assessed to the said duties under this act, according to the full yearly rent or value of such building or place.

Houses how to be assessed.

VII. Provided always, and be it further enacted, That no warehouse, being a distinct and separate building, and not part or parcel of any shop, place, or building, chargeable with any duty by this act, but employed solely for the purpose of lodging goods, wares, and merchandize, or for sale of goods by wholesale only, or carrying on some manufacture, although the same may adjoin to or have an internal communication with such shop, place, or building, shall be charged with any of the duties hereby granted.

Warehouses, in separate buildings, not chargeable;

VIII. Provided always, and be it enacted, That nothing in this act shall extend, or be construed to extend, to any shop, house, or place, where bread, flour, meal, bran, and rubbles only are made or sold,

nor bakers shops, etc.

IX. And be it further enacted, That where any house, building, or place, liable to any of the duties hereby granted, shall be divided into different apartments amongst several occupiers, the

Where houses are divided into different apartments, the

the landlord to pay the duties.

Duties to be assessed and collected, etc. according to the methods prescribed by

20 Geo. 2.
c. 3;

c. 42;

21 Geo. 2.
c. 10;

26 Geo. 2.
c. 17;

31 Geo. 2.
c. 22;

2 Geo. 3.
c. 8;

and the acts of 6, 19, and 24 Geo. 3.

the same shall be assessed as if the same was occupied by one person or family only, and the landlord or owner of every such house, building, or place, shall be assessed as the occupier, and shall accordingly pay the duties hereby granted.

X. And be it further enacted, That the duties charged by this act as aforesaid, shall be assessed, raised, levied, collected, and received by persons to be appointed by the same authority, and shall be paid into his Majesty's exchequer, for the purposes in this act expressed, in such and the like form and manner, and with such allowances, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions as are prescribed or appointed for assessing, raising, levying, collecting, receiving, and paying the duties on houses, and windows or lights, in and by an act, made in the twentieth year of the reign of his late Majesty, intituled, *An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties;* and by another act, made in the twentieth year of the reign of his said late Majesty, intituled, *An act to enforce the execution of an act of this session of parliament, for granting to his Majesty several rates and duties upon houses, windows, or lights;* and by an act, made in the twenty-first year of his said late Majesty's reign, intituled, *An act for explaining, amending, and further enforcing the execution of an act passed in the last session of parliament, intituled, An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties;* and by an act, made in the twenty-sixth year of the reign of his said late Majesty, intituled, *An act for the more effectual levying of the duties upon windows or lights, in that part of Great Britain called Scotland;* and by an act made in the thirty-first year of the reign of his said late Majesty, intituled, *An act for granting to his Majesty several rates and duties upon offices and pensions, and upon houses; and upon windows or lights; and for raising the sum of five millions by annuities, and a lottery, to be charged on the said rates and duties;* and by an act, made in the second year of the reign of his present Majesty, intituled, *An act for granting to his Majesty several rates and duties upon windows, or lights;* and by the said herein-before mentioned acts, made in the sixth, nineteenth, and twenty-fourth years of the reign of his present Majesty, or by any of them, so far as the same now remain in force, or are not altered by this act; and all the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, now in force, contained in the said several acts, or any of them, for the assessing, raising, levying, collecting, and paying the rates and duties thereby granted, shall be in full force, and be duly observed, practised, and

put

put in-execution, throughout the whole kingdom of *Great Britain*, for the affeffing, raifing, levying, collecting, and paying the feveral duties upon houfes, buildings, or places, by this act granted, as fully and effectually, to all intents and purpofes, as the fame are and may be for the affeffing, raifing, levying, collecting, and charging the rates and duties granted by the aforefaid acts, or any of them, fo far as the faid powers, authorities, rules, and penalties are applicable hereunto, and not altered by this act.

XI. And be it further enacted, That all the monies arifing from the duties granted by this act (the neceffary charges of raifing and accounting for the fame excepted) fhall, from time to time, be paid into the receipt of his Majefty's exchequer at *Westminster*; and in the office of the auditor of the faid receipt, there fhall be provided and kept a book or books, in which all fuch monies fo paid into the faid receipt of the exchequer as aforefaid, fhall be entered feperate and apart from all other monies paid and payable to his Majefty, his heirs and fucceffors, upon any account whatfoever; and the faid monies fo paid into the faid receipt of exchequer, fhall be a fund for the payment of the annuities, and all fuch other charges and expences as are directed to be paid and payable, purfuant to an act of this prefent feffion of parliament, intituled, *An act for granting annuities to fatisfy certain navy, victualling, and transport bills, and ordnance debentures.*

Duties to be paid into the exchequer;

and to be entered by the auditor feperate from all others.

XII. And be it further enacted, That for and in confideration of the extraordinary care and pains requifite in making and adjusting the firft affeffment to be made, in carrying this act into execution, fo far as respects fuch buildings and places as fhall be affeffed, without reference to the affeffment of the duties on inhabited dwelling-houfes, the affeffor or affeffors fhall have an allowance for fuch firft affeffment of three-pence for each houfe, building, or place, affeffed by him or them refpectively; to be had and received from the refpective receivers general, their deputy or deputies, who are hereby appointed and directed to pay the fame accordingly, and who fhall be allowed the fame in paffing their accounts.

Allowance to affeffors for the firft affeffment.

XIII. And be it further enacted, That for the better execution of this act, and for the ordering, raifing, levying, collecting, and paying the duties hereby granted, the commiffioners authorized or appointed, or who fhall be authorized or appointed hereafter for putting in execution the faid herein-before mentioned acts, concerning the duties on houfes, and windows or lights, or any of them, fhall be commiffioners for putting in execution this prefent act, and the powers therein contained, in all the counties, fhires, ftewartries, ridings, cities, boroughs, cinque ports, towns, and places refpectively, within *Great Britain*; and the faid commiffioners, in order to the speedy execution of this act, fhall, in their refpective counties, fhires, ftewartries, ridings, cities, boroughs, cinque ports, towns, and places,

Commiffioners.

Their firft meeting, etc.

places, for which they are or shall be appointed commissioners respectively; meet for the first time on or before the fifth day of *July*, one thousand seven hundred and eighty-five, and shall in like manner meet yearly and every year, at such days or times as the said commissioners for the time being shall think proper to appoint, before the thirtieth day of *April* yearly, and shall then divide themselves to act in separate districts, and proceed in the execution of this present act, for assessing, raising, levying, and collecting the duties hereby granted as aforesaid, in such and the same manner, and under the same regulations and directions, as are prescribed by the said before-mentioned acts, or any of them, with respect to the rates and duties on houses, and windows or lights, thereby imposed, except in such cases in which an alteration is made by this act.

If commissioners neglect to meet at the times appointed, they may afterwards meet, &c.

XIV. Provided always, and be it further enacted, That if, by any neglect or default, there shall not have been a meeting of the said commissioners, and a due execution of the several powers hereby created; within or at the time or times, or according to the manner or circumstances directed or prescribed in and by this present act, it shall and may be lawful for the said commissioners, or any two or more of them, in all the counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places, in *Great Britain* respectively, wherein such default shall have happened, to meet and execute the said powers at any other time or times, any thing herein-before contained to the contrary notwithstanding; and they are hereby authorized and required forthwith, or as soon as may be after the time or times at which such meetings shall have been held, and such powers should have been executed according to the directions of this present act, to meet and execute the same, so as that the said rates and duties charged by this act be duly and effectually charged, raised, levied, collected, and paid, to his Majesty, his heirs and successors, for the uses in this act, notwithstanding any such omission or defect; and all such meetings and acts of the said commissioners, or any two or more of them, shall be deemed and are hereby declared to be good and valid to all intents and purposes, notwithstanding any such omission or defect as aforesaid.

Commissioners not to act until they have taken the proper oaths.

XV. Provided also, and be it further enacted, That no person shall presume to act as a commissioner in the execution of this act (except in administering the oath of qualification herein-after expressed), until he shall have taken the several oaths required to qualify him for acting as a commissioner of the several duties charged on houses, and windows or lights, by any of the acts herein-before referred to, and also shall have taken the following oath; (that is to say),

Oath of qualification.

I A. B. do swear, That I will truly and faithfully execute the office of a commissioner, according to an act, made in the twenty-fifth year of King George the Third, for granting to his Majesty certain,

tain duties on fhops within Great Britain; and will determine upon all appeals, which fhall be brought before me under the faid act, according to the beft of my fhill and knowledge.

So help me GOD.

Which oath any two or more of the commiffioners, in the county, fhire, city, or place, where the affeffment is to be made, are hereby authorized to adminifter: and if any perfon fhall act as a commiffioner of this act (except as aforefaid) before he fhall have taken fuch oaths as aforefaid, he fhall, for every offence, forfeit one hundred pounds.

Penalty on acting before taking the oaths.

XVI. And be it further enacted, That the faid commiffioners fhall caufe notice to be inserted in the precepts to be from time to time directed by them to the inhabitants of the parifhes or places within their refpective diftricts or divifions, whom they fhall think fit to be prefentors or affeffors under the faid before-mentioned acts charging duties on houfes, and windows or lights, or any of them, that fuch perfons are alfo appointed affeffors of the duties upon houfes, buildings, and places, within this act.

Notice to be given in the precepts of the appointment of affeffors.

XVII. And, for the more effectually levying and collecting the duties impofed by this act, be it further enacted, That if at any time there fhall be a neglect to appoint affeffors for the faid duties on houfes, and windows or lights; or if the affeffors appointed fhall neglect to perform what is required of them by this act, then and in fuch cafe it fhall and may be lawful to and for the furveyor or furveyors, or the infpector or infpectors appointed or to be appointed under the authority of any of the faid acts, relative to the duties on houfes, and windows or lights, and they are hereby required to do or perform fuch and the like fervices as by this act is required from fuch affeffors; and the furveyors or infpectors, if, on the firft affeffment under this act, they fhall perform the duty of affeffors, fhall be intitled to the fame reward as is hereby provided for the affeffors for the faid firft affeffment under this act.

On failure of appointment of affeffors, &c. furveyors or infpectors to do their duty.

XVIII. And be it further enacted, That every perfon fo appointed or to be appointed affeffor as aforefaid, or any furveyor or infpector hereby authorized to act as an affeffor, fhall, before he prefumes to act in the execution of the faid office or employment, take (befides the oaths required to be taken by affeffors by the before-mentioned acts relative to the duties on houfes, and windows or lights, or any of them) an oath, or, being one of the people called *Quakers*, make and fubfcribe a folemn affirmation, in the following form:

Affeffor to take an oath, befides thofe appointed by former acts.

I A. B. do fwear, (or affirm, as the cafe may require), That in the affeffment which, by authority of an act made in the twenty-fifth year of the reign of King George the Third, for granting to his Majefty certain duties on fhops within Great Britain, I fhall make upon the houfes, buildings, and places, liable to any of the faid duties,

The oath.

duties, within the district or parish for which I am appointed an assessor, I will rate each at the true annual value, according to the best of my judgement and skill; and that I will truly and faithfully execute the trusts reposed in me by virtue of the said act:

So help me GOD.

Which oath or affirmation any two or more of the commissioners in the county, shire, stewardry, city, or place, where the said assessment is to be made, are hereby impowered and required to administer.

Penalty on acting before taking the said oath.

XIX. And be it further enacted, That if any person appointed or to be appointed assessor, or any surveyor or inspector hereby authorized to act as an assessor, shall presume to act in the execution of the said office or employment, before he shall have taken the aforesaid oath, (unless such person shall be a Quaker; and shall have made such affirmation as aforesaid) he shall forfeit and pay, for every such offence, the sum of twenty pounds.

Duty of assessors.

XX. And be it further enacted, That such persons so appointed or to be appointed assessors as aforesaid, do and shall, before the tenth day of *September*, in this present year one thousand seven hundred and eighty-five, and in all future years before the twenty-fourth day of *June*, estimate and ascertain, according to the best of their skill and judgement, the full and just yearly rent which every such building or place, hereby charged with any duty, within the limits and places for which such assessors are to act, and which is not already charged to the duty on inhabited houses, is really and *bona fide* worth to be let, and do and shall make an assessment in writing of the duty hereby imposed, according to such estimate or valuation upon the occupier or occupiers of every such building or place, and do and shall, by writing under their respective hands, certify the number of buildings and places respectively charged by virtue of this act, which are not already charged to the duty on inhabited houses, within the limits of such places as aforesaid, together with the rents estimated and ascertained as aforesaid, for or in respect of the same respectively, and the names of the several occupiers thereof respectively, and the several sums of money charged on, and payable by them, for or in respect of the same, by virtue of this act; and likewise do and shall, on or before the tenth day of *September*, in the present year one thousand seven hundred and eighty-five, and in all future years on or before the twenty-fourth day of *June*, in every year, deliver the certificates or assessments, to be made by them respectively as aforesaid, unto the said commissioners, or any two or more of them.

Two commissioners to sign the assessments,

XXI. And be it further enacted, That the said commissioners, to whom such assessments shall be delivered in pursuance of this act, or any two of them, shall, within the space of one calendar month next after the receipt of the same respectively,

or

or as ſoon after as conveniently may be, ſet their hands to the ſaid reſpective aſſeſſments, and to ſuch ſurcharge or ſurcharges as ſhall or may have been made in the mean time, either by the ſame aſſeſſors, or by ſuch ſurveyor or ſurveyors, or inſpector or inſpectors, as is or are herein-after mentioned, teſtifying their allowance of the ſame; and ſhall likewiſe nominate and appoint two of the perſons named in each of ſuch aſſeſſments to be collectors, or any other two ſuch perſons as they ſhall think able and reſponſible, for their reſpective diviſions and places for which they ſhall be ſo preſented, and ſhall forthwith deliver, or cauſe to be delivered, ſuch aſſeſſments ſo by them allowed of, unto the reſpective perſons by them nominated to be collectors for each year reſpectively, who are hereby enjoined and required to collect and pay the duties hereby aſſeſſed, and to give acquittances for the ſame; for whoſe paying unto the receiver general, now or for the time being, appointed by his Majeſty, or by the lord high treaſurer for the time being, or by the commiſſioners of the treaſury for the time being, or any three or more of them, in the manner hereby directed, ſuch money as they ſhall be charged with under this act, the pariſh or place for which they are ſo employed ſhall be answerable.

and to appoint collectors.

XXII. And be it further enacted, That in all privileged and other places, being extraparochial, and not within the conſtablewicks or precincts of the reſpective aſſeſſors, to be appointed by virtue of this act, the ſaid commiſſioners, or any three or more of them, ſhall, and they are hereby required to nominate and appoint two fit perſons, living in or near the ſaid privileged or other places as aforeſaid, to be aſſeſſors for the ſaid places; and to make and return their ſaid aſſeſſments in like manner as by this act is appointed in any pariſh, tithing, or place; and alſo to appoint two or more collectors, who are hereby required to collect and pay the ſame, according to the rates appointed by this act for collecting and paying all ſums of money payable by this act.

Aſſeſſors and collectors how to be appointed in extraparochial places.

XXIII. And be it further enacted, That the ſaid commiſſioners, or any three or more of them, ſhall ſtrictly peruſe the certificates or aſſeſſments which by this act are before directed to be annually delivered to them, and alſo ſhall examine the aſſeſſors and preſentors thereof; and if the ſaid commiſſioners, or any three of them, within their ſeveral limits or diviſions, ſhall, at the time of the delivery of ſuch certificates or aſſeſſments, or within ten days after, have certain knowledge, or cauſe to ſuſpect, that any houſe, building, or place, or any part thereof, which ought to be charged by this act, is omitted in ſuch certificates, or that any ſuch houſe, building, or place, or any part thereof, is undercharged, or not duly charged according to the directions of this act, the ſaid commiſſioners, or any three or more of them, ſhall have power to ſummon the perſon or perſons occupying ſuch houſe, building, or place, to appear before them at a day and place to be prefixed, of which three days notice at leaſt ſhall be given; and if any perſon or

Commiſſioners to peruſe the annual aſſeſſments,

and may ſummon before them perſons ſuſpected to be under-rated;

persons fummoned fhall neglect to appear, the faid commissioners may proceed to amend fuch affeffments, and to charge fuch occupier with fuch rate as fhall appear reasonable from the evidence before them; and moreover, the faid commissioners, to whom fuch certificates or affeffments fhall be delivered, or any three of them, or any other three commissioners of the refpective counties, fhires, or ftewartries, where fuch affeffments fhall be made, fhall have power, and are hereby required, by all lawful ways and means, to examine and enquire into and concerning the annual value of any fuch houfe, building, or place as aforefaid, charged in or by any fuch affeffment, or which fhall have been omitted to be charged therein, and thereupon to enlarge, alter, abate, or diminifh the faid affeffments, fo to be delivered to fuch commissioners, to the end that fuch duty may be fet and impofed upon every fuch houfe or tenement, according to the true intent and meaning of this act; and the faid commissioners, or any three or more of them, fhall, after fuch perufal and examination thereof, fet their hands to the faid refpective affeffments, and to fuch furcharge or furcharges as fhall or may have been made thereto in the mean time, teftifying their allowance of the fame.

and may correct the affeffments when found to be erroneous.

Duplicates of affeffments to be made out.

XXIV. And be it further enacted, That the faid commissioners, or any two or more of them, fhall, from time to time yearly, caufe true duplicates of fuch affeffments as aforefaid to be made out, delivered, and tranfmitted, in fuch and the fame manner, and at like times, as is directed by the aforefaid acts relative to the duties on houfes, and windows or lights, or any of them, with refpect to the duplicates of the affeffments therein mentioned.

What thofe duplicates fhall contain.

XXV. Provided always, and be it further enacted, That in the faid duplicates to be tranfmitted to the receiver-general, and to the King's remembrancer, the number of fhops, buildings, and places, exclusive of thofe affeffed from the affeffment on inhabited dwelling-houfes, fhall be inferted, as well as the amount of the duties, in order to afcertain the money which the receivers-general are directed by this act to pay to the affeffors for the firft year's affeffment, at three-pence each fhop, building, or place, not being affeffed from the affeffment on inhabited dwelling-houfes, and for the information of the proper officers, who are to allow the fame in the receivers accounts.

Surveyors and inspectors to examine the affeffments before they are figned by the commissioners.

XXVI. And be it further enacted, That all and every furveyor or furveyors, and inspector or inspectors, appointed or to be appointed under and by virtue of the feveral acts relative to the duties on houfes, and windows or lights, herein-before mentioned, or any of them, for the rates and duties thereby impofed, fhall be, and he and they is and are hereby impowered to infpect, examine, and fupervife the affeffments to be made in or for any fuch parifh or place as aforefaid, before the commissioners fhall have figned and allowed the fame, and to alter and amend any fuch affeffment or affeffments, if he or they fhall fee juft caufe for fo doing; and every perfon, in whole cuftody any fuch

such certificate or assessment shall be, is hereby required, upon the request of any such surveyor or surveyors, or inspector or inspectors, as aforesaid, to produce the same; and if any such surveyor or surveyors, inspector or inspectors, shall, after such assessment or assessments shall be so respectively made out, signed, and allowed as aforesaid, find or discover, upon his or their survey, that any house, building, or place, or any part thereof, which should and ought to be charged with the duties hereby granted, shall have been omitted to be charged therewith, or shall have been under-rated, such surveyor or surveyors, or inspector or inspectors, shall certify the same in writing, under his or their hand or hands, by way of surcharge, to any two or more of the said commissioners, on or before the sixteenth day of *November*, one thousand seven hundred and eighty-five, for the first quarterly payment, which shall be due on the tenth day of *October*, in the same year, and thenceforward, and in every future year, at the same times they make their surcharges for the duties on houses and windows under the said acts herein-before mentioned, in order to have such omission or under-rate rectified in the said assessment; and the said commissioners are thereupon to cause the same to be rectified, and the duties levied accordingly.

If any omission are discovered, they shall be supplied by a surcharge.

XXVII. And be it further enacted, That if any surveyor or surveyors, inspector or inspectors, shall omit to make a surcharge or surcharges for the first half year, it shall and may be lawful for the said surveyor or surveyors, or inspector or inspectors, to make a surcharge or surcharges for the whole year.

If a surcharge is omitted the first half year, it may be made for a year.

XXVIII. And, for the better information of the commissioners appointed to carry this act into execution, and the surveyors and inspectors, and the persons to be appointed assessors as aforesaid, with respect to the annual rent or value of all houses, buildings, or places charged by this act, and the better to enable them to perform their duty; be it further enacted, That the said commissioners, or any two of them, and the said assessors, surveyors, and inspectors, or any one or more of them, or any person or persons authorized by them, or any of them, shall have liberty to inspect and to take copies of, or extracts from, any book or books kept by any parish officer or officers, or any other person or persons, of or concerning the rates for the maintenance of the poor, or any other public taxes, rates, or assessments, in any part of *Great Britain* within the limits for which they shall be appointed; and if any person or persons, in whose custody or power any of the said books shall be, shall refuse or neglect to permit the said inspection, or the copies or extracts to be made as aforesaid, or to attend the said commissioners with their books when required so to do, then, and in every such case, every person who shall so refuse or neglect shall, for every such offence, forfeit and pay the sum of forty shillings.

Assessors, etc. shall be permitted to inspect parish rates.

Penalty on refusing them.

XXIX. And be it further enacted, That no house, building, or place, chargeable by this act as aforesaid, shall be estimated or rated at any less value yearly than that at which the same stands

Houses to be charged as assessed to public taxes.

stands legally rated and affeſſed to the publick rates, taxes, and affeſſments, or any of them, now ſubſiſting, where ſuch premiſes are charged by a pound rate, and according to the full annual value thereof reſpectively; and when ſuch premiſes as aforeſaid are charged by a pound rate, according to any proportionate part of the real annual value thereof reſpectively, the ſame ſhall not be eſtimated or rated for the purpoſes of this act at leſs than the full annual value upon which ſuch proportions have been computed and taken as aforeſaid.

Occupiers not to be charged to the poor's rates, &c. for the duties impoſed by this act.

XXX. And be it further enacted, That no occupier or occupiers of any houſe, building, or place, liable to any duty charged by this act in any pariſh or place, ſhall be charged or affeſſed to the poor's rate or highway duty for or in reſpect of any rates or duties impoſed and made payable by this act; but ſuch owners and occupiers ſhall continue to be rated and affeſſed to the poor's rate and highway duty, in ſuch manner as they were rated and affeſſed to the ſaid rates and highway duty reſpectively at the time of paſſing this act, any thing contained herein to the contrary notwithstanding.

Payment of rates not to affect ſettle-ment.

XXXI. And be it further enacted, That the payment of any of the rates and duties granted by this act by any occupier or occupiers of any houſe, building, or place, charged with any duty by this act in any pariſh or place, ſhall not intitle the perſon or perſons, ſo paying ſuch rates and duties, to a legal ſettle-ment in ſuch pariſh or place.

Perſons over-charged may appeal to the commiſſioners.

XXXII. And be it further enacted, That if any perſon or perſons ſhall think himſelf, herſelf, or themſelves reſpectively overcharged or over-rated by any affeſſment, charge, or ſurcharge, to be made by virtue of this act, it ſhall be lawful for him, her, or them, reſpectively to appeal to the ſaid commiſſioners; and the ſaid commiſſioners, or any three or more of them, ſhall, and they are hereby required to hear and determine all ſuch appeals; and all ſuch appeals, in reſpect to the affeſſment for the firſt three quarters under this act, ſhall be heard and determined between the tenth day of *December*, one thouſand ſeven hundred and eighty-five, and the fourth day of *January*, one thouſand ſeven hundred and eighty-fix; and all appeals in reſpect of any future affeſſments, on the days appointed, and in the manner directed, in the ſeveral acts herein-before mentioned with reſpect to the rates and duties on houſes, and windows or lights, thereby granted.

In what caſes the commiſſioners may abate the affeſſments.

XXXIII. And be it further enacted, That the ſaid commiſſioners, or any of them, ſhall not, upon the hearing of ſuch appeal, make any abatement or defalcation in the charge or ſurcharge made upon any perſon by ſuch affeſſment as aforeſaid, or the ſurcharge of any ſuch ſurveyor or ſurveyors, or inſpector or inſpectors as aforeſaid, but the ſame ſhall ſtand good and remain part of the affeſſment, unleſs it ſhall then appear to the ſaid commiſſioners, by examination of the circumſtances of the caſe upon oath, to be adminiſtered by any three or more of them, that ſuch perſon hath been over-rated in and by ſuch affeſſment.

feffment or furcharge; in which cafes the faid commissioners are hereby authorifed and impowered, upon every fuch appeal, to abate or diminish any fuch affeffment to be made as aforefaid in fuch manner as they fhall think proper, and agreeable to the true intent and meaning of this act; and every perfon intending to appeal to the faid commissioners fhall, and is hereby required to give, at the leaft, ten days notice thereof to any affeffor or affeffors, furveyor or furveyors, or infpector or infpectors, of the parifh or place wherein fuch perfon is affeffed, of fuch intention to appeal, and fuch affeffor or affeffors, furveyor or furveyors, or infpector or infpectors, may then and there attend to juftify the faid affeffment and furcharge; and fuch affeffor or affeffors, furveyor or furveyors, or infpector or infpectors, and appellants, fhall have full and free liberty to be prefent during all the time of hearing fuch appeals, and whilft the faid commissioners fhall be determining the fame.

Persons intending to appeal, to give 10 days notice to affeffor, &c.

XXXIV. And be it further enacted, That all appeals, once heard and determined by the faid commissioners, or any three or more of them, or the major part of them then prefent on the day or days by them appointed for hearing of appeals, fhall be final, except as is herein-after directed.

Appeals once determined to be final;

XXXV. And be it further enacted, That if any fuch affeffor or affeffors, furveyor or furveyors, or infpector or infpectors, or the perfons fo appealing, in that part of *Great Britain* called *England*, or in *Wales*, or in *Berwick upon Tweed*, fhall apprehend the determination made by the faid commissioners to be contrary to the true intent and meaning of this act, and fhall then declare himfelf or herfelf difatisfied with fuch determination, it fhall and may be lawful to and for fuch affeffor or affeffors, furveyor or furveyors, or infpector or infpectors, or appellants refpectively, to require the faid commissioners to ftate fpecially, and to fign the cafe upon which the queftion arofe, together with their determination thereupon; and the faid commissioners, or the major part of them then prefent, are hereby required to ftate and fign fuch cafe accordingly, and to caufe the fame to be delivered to the party making fuch request as aforefaid, to be by him or her tranfmitted to one of the juftices of the court of king's bench or common pleas, or to one of the barons of the court of exchequer for the time being; and every fuch juftice and baron is hereby required, with all convenient fpeed, to return an answer to fuch cafe fo tranfmitted, with his opinion thereupon fubfcribed thereto, according to which opinion fo certified, the affeffment, which fhall have been the caufe of fuch appeal, fhall be altered or confirmed: and if fuch affeffor or affeffors, furveyor or furveyors, infpector or infpectors, or the perfon fo appealing, in that part of *Great Britain* called *Scotland*, fhall apprehend the determination made by the faid commissioners to be contrary to the true intent and meaning of this act, and fhall then declare himfelf or herfelf difatisfied with fuch determination, it fhall and may be lawful to and for fuch furveyor, or perfon difatisfied, refpectively, to require the

Exception,

Further appeal allowed in England or Wales, to one juftice of the king's bench, &c.;

and in Scotland,

to a judge
of the court
of feflion, or
a baron of
the exche-
quer.

Penalties ex-
ceeding 20l.
where to be
recovered.

Penalties not
exceeding 20l.
to be recover-
able before
two justices;

and may be
levied by di-
strefs.

the faid commissioners, or the major part of them then prefent, to ftate fpecially, and fign the cafe upon which the queftion arofe, together with their determination thereupon; and the faid commissioners are hereby required to ftate and fign fuch cafe accordingly, and to caufe the fame to be delivered to the party making fuch request as aforefaid, to be by him or her tranfmitted to one of the judges of the court of feflion, or of the barons of the exchequer in *Scotland*; and every fuch judge and baron is hereby required, with all convenient fpeed, to return an answer to fuch cafe fo tranfmitted, with his opinion thereupon fubfcribed thereto, according to which opinion fo certified, the affeffment, which fhall have been the caufe of fuch appeal, fhall be altered or confirmed: provided always, That notwithstanding any fuch cafe, fo tranfmitted to any of the faid justices, judges, or barons, the determination of the faid commissioners fhall ftand, with refpect to the payments which fhall become due precedent to the opinion certified by any fuch juftice, judge, or baron, upon fuch cafe.

XXXVI. And be it further enacted, That every penalty or forfeiture, which fhall be incurred under this act, of a greater fum than twenty pounds, fhall be recovered in any of his Majefty's courts of record at *Westminfter*, if the matter fhall arife within *England* or *Wales*, or the town of *Berwick upon Tweed*; or in the court of feflion, court of jufticiary, or court of exchequer, if the matter fhall arife in that part of the united kingdom called *Scotland*, by action of debt, bill, plaint, or information, wherein no effoin, protection, privilege, wager of law, or more than one imparlance, fhall be allowed; and one moiety of every fuch penalty or forfeiture fhall belong to his Majefty, his heirs or fucceffors, and the other moiety thereof to the perfon or perfons who fhall inform and fue for the fame.

XXXVII. And be it further enacted, That in all cafes where the pecuniary penalty by this act impofed doth not exceed the fum of twenty pounds, it fhall be recoverable before two or more justices of the peace of the county, riding, fhire, ftewartry, divifion, city, liberty, town or place wherein the offence fhall be committed, on proof of the offence, either by the voluntary confeffion of the party or parties accused, or by the oath of one or more credible witnefs or witneffes; and one moiety of every fuch laft mentioned penalty fhall belong to his Majefty, his heirs and fucceffors, and the other moiety to the informer or informers profecuting for the fame; and in cafe of nonpayment fhall be levied by diftrefs and fale of the offender's goods and chattels, by warrant under the hands and feals of fuch justices; and the overplus of the money raifed, after deducting the penalty, and the expences of the diftrefs and fale, fhall be rendered to the owner; and for want of fufficient diftrefs, the offender fhall be fent by fuch justices to the prifon of fuch county, fhire, ftewartry, divifion, city, liberty, town or place, for fuch time, not exceeding fix months, nor lefs than one month, as fuch justices fhall think moft proper.

XXXVIII. And

XXXVIII. And be it further enacted, That if any person or persons shall find himself or themselves aggrieved by the judgement of any such justices, then he or they shall and may, upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded, in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, riding, or place, who are hereby impowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement of such justices shall be affirmed, it shall be lawful for such justices to award the person or persons to pay such costs occasioned by such appeal as to them shall seem meet.

Persons aggrieved may appeal to the quarter sessions.

XXXIX. And be it further enacted by the authority aforesaid, That if any person or persons shall be summoned, as a witness or witnesses, to give evidence before such justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor, or of the person or persons accused, and shall neglect or refuse to appear, at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect, or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings, to be levied and paid in such manner, and by such means, as herein-before directed as to other penalties.

Penalty on persons summoned as witnesses who shall neglect to attend.

XL. Provided nevertheless, That it shall and may be lawful to and for the said justices, where they shall see cause, to mitigate and lessen any such penalties as they shall think fit, reasonable costs and charges of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigation, and so as such mitigation does not reduce the penalties to less than one moiety of the penalties incurred over and above the said costs and charges; any thing contained in this act, or any other act of parliament, notwithstanding; and no such conviction shall be removed by *certiorari* into any court whatsoever.

Justices may mitigate penalties.

XLI. And be it further enacted, That all constables and headboroughs, tithingmen, and all other his Majesty's officers, shall, and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and to obey and execute such precepts or warrants as shall be to them directed in that behalf by the respective commissioners hereby appointed, or any three or more of them.

Constables, and other officers, to be aiding in the execution of this act.

XLII. And be it further enacted, That all actions, suits, and informations, for any offence against this act, shall be brought within one year after the offence committed, and being brought after the time so limited, shall be void; and if any person or persons shall at any time or times be sued, molested, or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing

Limitation of actions.

General issue. herein contained, fuch person or perfons fhall and may plead the general iffue, and give the fpecial matter in evidence for his or their defence; and if upon the trial a verdict fhall pafs for the defendant or defendants, or the plaintiff or plaintiffs fhall difcontinue an action, or fuffer a nonpros, or fhall become non-fuited, then fuch defendant or defendants fhall have treble cofts awarded to him or them againft fuch plaintiff or plaintiffs.

Treble cofts.

C A P. XXXI.

An act for better regulating the office of the treafurer of his Majesty's navy.

Preamble.

From July 1, 1785, the treafurer of the navy to apply to the treafury for money as herein mentioned; which fhall be iffued to the bank,

and placed to the account of the treafurer of the navy.

WHEREAS it appears, by the reports made by the commiffioners appointed to examine, take, and ftate, the publick accounts of the kingdom, that regulations are neceffary for better conducting the bufinefs in the department of the treafurer of his Majesty's navy; be it therefore enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament afsembled, and by the authority of the fame, That, from and after the firft day of July, one thousand feven hundred and eighty-five, the treafurer of his Majesty's navy for the time being, in all memorials to be by him prefented to the treafury for money for navy fervices, fhall pray that fuch fum as he requires may be iffued to the governor and company of the bank of *England* on his account; and fhall tranfmit with each memorial a copy of the letter or letters from the commiffioners of the navy, victualling, and fick and hurt boards, directing him to apply for fuch fum or fums; in which letter or letters the faid commiffioners fhall, and they are hereby required and directed to fpecify for what particular fervice or fervices the faid money is wanted; and fhall alfo ftate the balances then in the hands of the treafurer of the navy, under each head of fervice refpectively; and the commiffioners of his Majesty's treafury for the time being, by their letter from time to time, fhall direct the auditor of the exchequer to iffue, to the governor and company of the bank of *England*, on account of the treafurer of his Majesty's navy, naming fuch treafurer for the time being, the fum for which fuch letter fhall be drawn, upon the unfatisfied order at the exchequer in favour of the faid treafurer, for which the receipt of the cashier or cashiers of the faid governor and company fhall be a fufficient difcharge; and all fums for which letters of the commiffioners of his Majesty's treafury fhall be drawn, fhall be iffued to the governor and company of the bank of *England*, in like manner as they have been heretofore iffued to the treafurer of his Majesty's navy; and all fuch monies to be iffued to the governor and company of the bank of *England*, fhall be placed on an account or accounts to be raifed in the books of the governor and company of the faid bank of *England*, and to be intituled, *The Account of the Treafurer of his Majesty's Navy*, inserting

inferting the name of fuch treafurer for the time being, for the pay branch, cashier's branch, and the victualling branch; and on receipt of all fuch monies at the exchequer, the treafurer of the navy fhall immediately certify to the commiffioners of the navy an account of the whole receipt, under the refpective heads of fervice, and fhall alfo certify to the commiffioners of the victualling, and fick and hurt boards, the particular fums received, and applicable to thofe fervices refpectively.

II. And be it further enacted and declared, That no fees whatfoever fhall be paid at the exchequer or treasury for or by reafon of the tranfactions aforefaid, beyond the amount of what hath been ufually paid upon imprefts and accounts hitherto made, according to the former custom of tranfacting bufinefs between the exchequer, navy pay office, and bank, feverally.

No extra fees to be paid at the exchequer.

III. And be it further enacted, That, from and after the firft day of July, one thoufand feven hundred and eighty-five, no money for the fervice of the navy fhall be iffued from his Majesty's exchequer to the treafurer of the navy, or fhall be placed, or directed to be placed in his hands or poffeffion, but the fame fhall be iffued and directed to be paid to the governor and company of the bank of *England*, and to be placed to the accounts above-mentioned, according to the fervices for which it is craved and iffued.

From July 1, 1785, no money for navy fervices fhall be iffued from the treasury to the treafurer of the navy.

IV. And be it enacted, That the treafurer of his Majesty's navy for the time being, by himfelf, or the perfon or perfons in his office duly authorized by the faid treafurer, from and after the firft day of July, one thoufand feven hundred and eighty-five, fhall draw upon the governor and company of the bank of *England* for all navy fervices whatever, and fhall fpecify, in each and every draft, the head of fervice for which the fame is drawn; and no draft of the faid treafurer, or the perfon or perfons authorized as aforefaid, fhall be deemed a fufficient voucher to the faid governor and company of the bank of *England*, unlefs the fame fpecifies the head of fervice for which it is drawn, and has been actually paid by the faid governor and company of the bank of *England*.

The treafurer to draw on the bank for all navy fervices.

V. Provided always, That the monies to be iffued unto the governor and company of the bank of *England*, on account of the treafurer of his Majesty's navy, fhall not be paid out of the bank, unlefs for navy fervices, and in purfuance of drafts to be drawn on the governor and company of the bank of *England*, and figned by the treafurer of his Majesty's navy for the time being, or the perfon or perfons authorized as aforefaid; in which drafts fhall be fpecified the heads of fervice to which the fums therein mentioned are to be applied; and which drafts, fo drawn, fhall be fufficient authority to the bank to pay fuch money to the perfons mentioned in fuch drafts, or to the bearer of them.

Bank not to pay faid monies, unlefs for navy fervices, and in purfuance of proper drafts.

VI. And be it further enacted, That upon the death, refignation, or removal, of the prefent, and every other treafurer of his Majesty's navy hereafter to be appointed, the balance of

On the death or removal of a treafurer, the balance in cash

the bank to
vest in his
fucceffor.

cash for which he shall at that time have credit, on his account or accounts as treasurer of his Majesty's navy, with the governor and company of the bank of *England*, shall, at the end of the current month after a fucceffor shall be appointed to the said office, actually vest in such fucceffor, in trust for the service of the navy under the respective heads, and be forthwith transferred, carried over, and placed to the account or accounts of such fucceffor treasurer of his Majesty's navy, to be applied to the said service, in pursuance of the like drafts as aforesaid: and the treasurer of his Majesty's navy for the time being shall, and he is hereby directed and required to form his memorials and requisitions to the treasury, and to issue his drafts as aforesaid, for all charges and demands on account of the navy service, which shall be due and remain unsatisfied, although the same may have accrued in the time of any former treasurer.

Treasurer to
issue his drafts
for all unsatisfi-
ed demands;

and to make
up annual
accounts of
navy and vic-
tualling ser-
vices,

to be trans-
mitted to the
auditor of the
imprefst.

VII. And be it further enacted, That the said treasurer of the navy shall, and he is hereby required to make up, or cause to be made up, an annual account of the navy and victualling services, intituled, *The Account of the Treasurer of his Majesty's Navy*, to be signed and attested by every treasurer who shall have paid or discharged any part of the said account; the first account to end on the thirty-first day of *December*, one thousand seven hundred and eighty-six; and every succeeding account to begin on the first day of *January*, and to end on the thirty-first day of *December*, in each year following, and to transmit the same (having been previously examined in the offices of the commissioners of the navy, of the victualling office, and of the sick and hurt, and signed by the commissioners of the navy), to the auditor or auditors of the imprefst, who shall, and they are hereby directed and required, within three months after the receipt thereof, to examine, or cause to be examined, the said annual accounts, and, if found satisfactory, to present, or cause to be presented, the same to the proper officer or officers for declaration; and when the same is declared, a quietus or acquittance, in the usual form, shall be made out to the said treasurer or treasurers, his or their heirs, executors, and administrators.

Treasurer to
insert, in the
annual ac-
count, all pay-
ments made
to him in such
year, etc.

VIII. And be it further enacted, That the treasurer of the navy shall every year insert, in the said annual account, all payments which shall have been made by him in the course of such year; and that all bills, which shall have been drawn by the commissioners of the navy or victualling, shall be sufficient vouchers to discharge the said treasurer of any sums paid by him upon such bills, whether the payments directed to be made by the said bills shall be specified to be upon account, or otherwise; and that when the said treasurer of the navy shall, in the account of any year, have taken credit for any payments made in pursuance of imprefst bills, or on account, no further bills shall in any subsequent period be drawn upon the said treasurer, or any treasurer of the navy for the time being, for the purposes of clearing the said imprefsts, but the persons to whom the pay-
ments

ments have been ſo made on account, ſhall be ſet *inſuper* in the exchequer, and to be made accountable for the ſame, and the treaſurer of the navy ſhall be no longer chargeable or accountable for the ſame.

IX. And be it further enacted, That, from and after the firſt day of *July*, one thouſand ſeven hundred and eighty-five, the treaſurer of his Majeſty's navy for the time being ſhall keep the account with the bank of all monies iſſued to or directed to be paid to him for the ſervice of the navy; and the ſaid treaſurer, obſerving the rules and regulations hereby preſcribed, ſhall not be answerable for any money which he ſhall not actually receive; and the governor and company of the bank of *England* ſhall be answerable for all the monies which ſhall be actually received by them for the ſervice of the navy.

X. And be it further enacted, That if any perſon or perſons ſhall, from and after the paſſing of this act, knowingly and wilfully forge or counterfeit, or cauſe or procure to be forged or counterfeit, or knowingly or wilfully act or aſſiſt in the forging or counterfeiting the name or hand of the treaſurer of his Majeſty's navy for the time being, or the perſon or perſons authorized as aforeſaid, to any draft, instrument, or writing whatſoever, for or in order to the receiving or obtaining any of the money in the hands or cuſtody of the governor and company of the bank of *England*, on account of the treaſurer of his Majeſty's navy; or ſhall forge or counterfeit, or cauſe or procure to be forged or counterfeit, or knowingly and wilfully act or aſſiſt in the forging or counterfeiting any draft, instrument, or writing in form of a draft, made by ſuch treaſurer of his Majeſty's navy, or the perſon or perſons authorized as aforeſaid; or ſhall utter or publiſh any ſuch, knowing the ſame to be forged or counterfeit, with an intention to defraud any perſon whomſoever; every ſuch perſon and perſons ſo offending, being thereof lawfully convicted, ſhall be, and is and are hereby declared and adjudged to be guilty of felony, and ſhall ſuffer death as a felon, without benefit of clergy.

XI. Provided always, and be it enacted, That this act ſhall not extend, or be conſtrued to extend, to prevent the treaſurer of his Majeſty's navy from iſſuing to the pay clerks at the ſeveral out-ports, ſuch ſums as may be thought neceſſary by the navy board for paying ſhips, and carrying on recalls; and the pay clerk at each port ſhall, and he is hereby required to make up, at the end of every month, on account of all his receipts and payments during that month, which account ſhall be ſigned by him, the comptroller's clerk, and the ticket office clerk, at each port, and tranſmit the ſame, within fourteen days after the expiration of each month, to the treaſurer of his Majeſty's navy, and a copy thereof to the commiſſioners of his Majeſty's navy; and the comptroller's clerk at every out-port ſhall, and he is hereby required to tranſmit to the navy board every week an account of the payments made by the treaſurer's clerk at that port.

XII. And

On the death, etc. of every treasurer, said clerks accounts to be made up, etc.

XII. And be it further enacted, That, upon the death, resignation, or removal, of every treasurer of his Majesty's navy, the accounts of the pay clerks at the several out-ports shall be immediately made up and the balance of cash, for which he shall at that time have credit with each of them, shall, as soon as a successor shall be appointed, be carried to the credit of the account of such successor, and an account thereof forthwith transmitted to the commissioners of the navy.

C A P. XXXII.

An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures.

May it please your most excellent Majesty,

Preamble.

WHEREAS, notwithstanding the large supplies which were granted for carrying on the late war, several debts remain unprovided for, on account of bills payable in the course of the navy and victualling offices, and for transports, and upon account of debentures payable out of the office of ordnance; and it is highly expedient that provision should be made for the establishing certain annuities, to be paid to the persons interested in or intitled unto such bills and debentures, in lieu thereof, in the manner herein-after mentioned; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all persons interested in or intitled unto any bill or bills payable in the course of the navy or victualling offices, or for transports, which were dated on or before the thirtieth day of June, one thousand seven hundred and eighty-three, who already have carried, or shall, on or before the sixth day of June, one thousand seven hundred and eighty-five, carry the same, after having had the interest thereupon computed up to the fifth day of July, one thousand seven hundred and eighty-five, and marked upon the said bills at the navy or victualling offices respectively, to the office of the treasurer of his Majesty's navy, shall have, in exchange for the same, from such treasurer, or his paymaster or cashier, a certificate to the governor and company of the bank of England for the amount of the principal and interest computed thereupon; and the persons who shall be possessed of such certificates shall, upon delivery thereof to the said governor and company, be intitled, in respect of the same, to the sum of one hundred and eleven pounds and eight shillings capital stock, for each one hundred pounds contained in such certificates, and so in proportion for any greater or lesser sum; and also, that all persons interested in or intitled unto such navy, victualling, and transport bills, made out between the said thirtieth day of June, one thousand

Persons possessed of navy or victualling bills, etc. dated on or before June 30, 1783, etc. may carry them to the treasurer of the navy's office, and exchange them for certificates;

on delivery whereof at the bank, they shall be intitled to certain stock. Regulations relative to such bills made out be-

thoufand feven hundred and eighty-three, and the firft day of *January*, one thoufand feven hundred and eighty-five, who already have carried, or fhall, on or before the faid fixth day of *June*, one thoufand feven hundred and eighty-five, carry the fame, after having had the intereft, due upon fuch of the faid bills as bear an intereft, computed and marked upon the faid bills to the fifth day of *July*, one thoufand feven hundred and eighty-five, at the navy and victualling offices refpectively, to the treafurer of his Majefty's navy, fhall have in exchange for the fame from fuch treafurer, or his paymafter or cashier, a certificate to the faid governor and company of the bank of *England* for the amount of the principal and intereft computed thereupon, after deducting therefrom a fum, at the rate of five fhillings *per centum*, upon the amount of fuch principal and intereft, for every month between the firft day of *July*, one thoufand feven hundred and eighty-three, and the day on which fuch bill was made out; and the perfons who fhall be poffeffed of fuch certificates, upon delivery thereof to the faid governor and company of the bank of *England*, fhall be intitled, in refpect of the fame, to one hundred and eleven pounds and eight fhillings capital ftock, for every one hundred pounds contained in fuch certificate, and fo in proportion for any greater or leffer fum: and alfo that all perfons interefted in or intitled unto any debentures, payable out of the office of ordnance, which were dated on or before the thirty-firft day of *December*, one thoufand feven hundred and eighty-three, who already have carried, or fhall, on or before the fixth day of *June*, one thoufand feven hundred and eighty-five, carry the fame to the treafurer of his Majefty's office of ordnance, and fhall have the intereft on fuch debentures computed, after the rate of four pounds *per centum per annum*, from the expiration of fifteen months from the date thereof, to the fifth day of *July*, one thoufand feven hundred and eighty-five, fhall, in exchange for fuch debentures, have a certificate to the governor and company of the bank of *England* for every one hundred pounds contained in the amount of the principal and intereft of fuch debentures, upon delivery thereof to the faid governor and company of the bank of *England*, fhall be intitled, in refpect of the fame, to the fum of one hundred and eleven pounds and eight fhillings capital ftock, for each one hundred pounds contained in fuch certificates, and fo in proportion for any greater or leffer fum; which faid capital ftock fhall be attended with annuities, after the rate of five pounds *per centum per annum*, to commence from the fifth day of *July*, one thoufand feven hundred and eighty-five, and fhall be paid and payable at the bank of *England*, at the times and in the manner herein-after mentioned.

Similar provisions relative to ordnance debentures.

II. And be it further enacted by the authority aforefaid, That it fhall and may be lawful to and for any perfon or perfons, natives or foreigners, bodies politick or corporate, who fhall be poffeffed of, interefted in, or intitled unto, any bill or bills payable in courfe out of his Majefty's offices of the navy or victual-
 Perfons poffeffed of any fuch bills, etc. may deliver them to the refpective

treasurers, to have them marked, etc. before June 7, 1785.

viſtualling, or for transports, which were reſpectively made out or dated in the ſaid reſpective offices on or before the thirtieth day of *June*, one thouſand ſeven hundred and eighty-three, and between the ſaid thirtieth day of *June*, one thouſand ſeven hundred and eighty-three, and the ſaid firſt day of *January*, one thouſand ſeven hundred and eighty-five; or ſhall be poſſeſſed of, intereſted in, or intituled unto, any debenture or debentures payable out of his Maſteſty's office of ordnance, which were reſpectively made out or dated on or before the thirty-ſirſt day of *December*, one thouſand ſeven hundred and eighty-three, to deliver ſuch bill or bills, debenture or debentures, to the reſpective treaſurers of the ſaid offices, to be marked, cancelled, and certified, in ſuch manner as is herein-after mentioned, at any time on or before the ſixth day of *June*, one thouſand ſeven hundred and eighty-five, and at ſuch place or places as ſhall have been appointed, by notice given in the *London Gazette*, and other publick papers, for that purpoſe.

Intereſt due on July 5, 1785, on navy bills, etc. to be marked thereon at the reſpective offices.

III. Provided always, and be it further enacted by the authority aforeſaid, That the intereſt which became due on the ſaid fifth day of *July*, one thouſand ſeven hundred and eighty-five, for and in reſpect of ſuch of the ſaid navy, viſtualling, and transport bills, as bear an intereſt, ſhall be computed and marked upon the ſaid bills at the navy or viſtualling offices reſpectively, before the ſame are delivered to the treaſurer of his Maſteſty's navy; and the proper officer and officers of his Maſteſty's navy office and viſtualling office reſpectively, is and are hereby authorized and required to compute and mark the intereſt as aforeſaid upon every ſuch bill which ſhall be tendered to him or them for that purpoſe.

Treaſurers of the navy and ordnance may receive and cancel ſuch bills, and deliver certificates in lieu thereof.

IV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the treaſurer of his Maſteſty's navy for the time being, to take in and receive from all and every perſon or perſons, natives or foreigners, bodies politick or corporate, who is, are, or ſhall be poſſeſſed of, intereſted in, or intituled unto, any ſuch navy, viſtualling, or transport bills, all the ſaid bills which any ſuch perſon or perſons, bodies politick or corporate, ſhall, on or before the ſaid ſixth day of *June*, one thouſand ſeven hundred and eighty-five, deliver to ſuch treaſurer; and the ſaid treaſurer, or his paymaſter and caſhier, is and are hereby authorized and required to mark and cancel every ſuch bill, and make forth and ſign the certificates herein directed to be made out in lieu of the ſaid bills; and that alſo it ſhall and may be lawful to and for the treaſurer of his Maſteſty's office of ordnance, in like manner, to take in all ſuch debentures, payable out of the ſaid office of ordnance, which, on or before the ſaid ſixth day of *June*, one thouſand ſeven hundred and eighty-five, ſhall be delivered to him; and the ſaid laſt mentioned treaſurer, or his deputy, is hereby authorized and required to cancel the ſame, and to make forth and ſign the certificates herein directed to be made out in lieu of ſuch debentures.

V. And

V. And be it further enacted, That if it shall happen that, In case all from the multiplicity of computations to be made upon the several bills that may be brought to the respective offices of the navy or victualling to be marked, and the interest thereupon computed up to the fifth day of *July*, one thousand seven hundred and eighty-five, the same cannot be completed so as to be delivered to the treasurer of the navy, or his paymaster or cashier, within the time limited by this act, for the said treasurer, or his paymaster or cashier, to form the proper calculations, and make forth such certificates as are herein directed to be transmitted to the bank of *England*; in all such cases, any person or persons, intituled to such of the said navy, victualling, or transport bills, as shall be tendered to, and left with the officers herein directed to receive such bills, on or before the said sixth day of *June*, one thousand seven hundred and eighty-five, upon producing to the treasurer of the navy, or his paymaster or cashier, any bill or bills, marked and computed in the manner herein-before directed, shall be intituled to receive from the said treasurer of the navy, or his paymaster or cashier, a certificate to the bank of *England* for the sums contained in such bill or bills; provided such bill or bills shall be demanded at, and received from the respective offices of the navy or victualling, on or before the thirtieth day of *September*, one thousand seven hundred and eighty-five, and shall be delivered to the said treasurer, or his paymaster or cashier, within seven days after the same shall be received from the said navy or victualling offices respectively, notwithstanding the time of tendering the same to the said treasurer, or his paymaster or cashier, shall be after the day herein limited for that purpose; and the several and respective officers above mentioned are hereby authorized and required to issue such bills and certificates accordingly.

VI. And in case it shall happen that any person or persons, intituled to any such navy, victualling, or transport bills, or ordnance debentures, shall, from any unavoidable accident or cause, not be able to deliver into the respective offices of the navy or victualling, or to the office of the treasurer of the ordnance, on or before the said sixth day of *June*, one thousand seven hundred and eighty-five, any such bills or debentures, be it enacted, That upon sufficient cause being shewn, to the satisfaction of the commissioners of his Majesty's treasury, it shall and may be lawful for the said commissioners of the treasury, or any three or more of them, at any time or times before the sixth day of *July*, one thousand seven hundred and eighty-five, to direct, authorize, and impower the officers of the navy or victualling offices respectively, and of the treasurer of the ordnance, to accept and take in from such person or persons any such bills or debentures, and to compute the interest and mark the same; and the treasurer of the navy and ordnance respectively to make forth such certificate or certificates as are herein-before directed to be done and made out; and the governor and company of the bank of *England* are hereby authorized and impowered to give credit for such stock and annuities,

and so likewise for such bills as cannot be delivered into the navy or victualling offices, etc. within the time before limited.

annuities, as fuch person or persons would have been intitled to, in respect of fuch bills or debentures, in case fuch bills or debentures had been delivered into fuch office or offices before the faid fixth day of *June*, one thousand feven hundred and eighty-five.

Persons producing their certificates at the bank, shall be intitled to 5 per cent. annuities for the fame.

VII. And be it further enacted by the authority aforesaid, That all and every person and persons, bodies politick and corporate, who shall deliver any fuch bill or bills, debenture or debentures, to the faid refpective treafurers as aforesaid, upon producing fuch certificates as are hereby directed to be made forth by the faid treafurers, in lieu of fuch bills and debentures, shall, in respect of the principal fum hereby granted, for every entire fum of one hundred pounds contained in fuch refpective certificates, have and be intitled to an annuity after the rate of five pounds *per centum per annum*, to commence from the faid fifth day of *July*, one thousand feven hundred and eighty-five, and to be paid or payable to fuch person or persons, bodies politick or corporate, or fuch as he, she, or they shall appoint, his, her, or their executors, administrators, fucceffors, or assigns refpectively; which faid annuity shall be payable half-yearly at the bank of *England*, at two of the moft ufual days of payment in the year; (that is to fay), the fifth day of *January*, and the fifth day of *July*; the first payment thereof to become due on the fifth day of *January*, one thousand feven hundred and eighty-six; and that all persons and corporations intitled to any fuch annuity or annuities aforesaid, and his, her, and their administrators, fucceffors, and assigns refpectively, and all persons and corporations lawfully claiming under him, her, or them, shall have good, fure, absolute, and indefeafible eftates and interefts in the faid annuities, according to the tenor and true meaning of this act; and shall be poffeffed thereof as of a personal eftate, which shall not be defcendible to heirs, nor liable to any foreign attachment by the custom of *London*, or otherwise, any law, custom, or ufage to the contrary notwithstanding; and that all the faid annuities shall be free from all taxes, charges, and impositions whatfoever.

Annuities to be deemed personal eftate, and to be tax-free.

Annuities to be paid out of a fund to be eftablished this feffion, etc.;

VIII. And be it further enacted by the authority aforesaid; That the faid annuities after the rate of five pounds *per centum per annum*, shall be charged and chargeable upon, and payable out of, the monies which shall from time to time arife and be in the receipt of the exchequer of the fund to be eftablished in this feffion of parliament, and for which the fund, commonly called *The Sinking Fund*, shall be a collateral security; and that the faid annuities shall be irredeemable until twenty-five millions of the publick debt, bearing intereft after the rate of either three pounds *per centum per annum*, or four pounds *per centum per annum*, shall have been redeemed and paid off.

and to be made a joint stock with the annuities esta-

IX. And be it further enacted by the authority aforesaid, That all the monies to which any person or persons shall become intitled by virtue of this act, on which the faid annuities, after the rate of five pounds *per centum per annum*, shall be attending,

tending, shall, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, be added to, and made one joint stock of annuities, transferrable at the bank of *England*, with the annuities established by an act made in the last session of parliament, (intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures*); and that all and every person and persons, and corporations whatsoever, in proportion to the money to which he, she, or they shall become intitled, as aforesaid, by virtue of this act, shall have, and be deemed to have, a proportional interest and share in the said stock of annuities at the rate aforesaid; and that all the said joint stock of annuities shall be paid and payable out of the several duties granted, as well by sundry acts passed in the last session of parliament for the payment of annuities granted in the same session, as of such duties as by any act or acts of this present session shall be charged with, and made applicable to, the payment thereof.

X. And be it further enacted by the authority aforesaid, That, upon the delivering in of every such navy, victualling, or transport bill, by any person or persons, bodies politick or corporate, the treasurer of his Majesty's navy, or his paymaster and cashier, shall, and they are hereby authorised and required forthwith to give a certificate, signed by him or them, for the principal sum or sums contained in every such bill, and also for the interest which shall have been computed and marked as aforesaid, to be due on the said fifth day of *July*, one thousand seven hundred and eighty-five, upon such of the said bills as bear an interest, to such person or persons, bodies politick or corporate, or his, her, or their assigns; and that upon the delivering in, by any person or persons, bodies politick or corporate, of every such debenture or debentures, the treasurer of his Majesty's office of ordnance, or his deputy, shall, and they are hereby authorised and required forthwith to give a certificate, signed by the said treasurer or deputy, for the principal sum or sums contained in every such debenture, and also for the interest on such debentures, computed after the rate of four pounds *per centum per annum*, from the expiration of fifteen months from the date thereof, to the fifth day of *July*, one thousand seven hundred and eighty-five, to such person or persons, bodies politick or corporate, or his, her, or their assigns; and all such certificates shall be assignable by indorsement thereupon made, at any time before the first day of *December*, one thousand seven hundred and eighty-five, and no longer; and all such certificates and assignments thereupon shall not be charged with any stamp-duties whatsoever; and that the interest so computed and marked on every such bill and debenture respectively, bearing interest as aforesaid, shall be added to the principal sum contained in every such bill and debenture respectively; and the amount of such principal and interest, or the amount of the sum contained in every such bill and debenture not bearing interest, certified in manner before directed, except as herein-after

Treasurer of the navy, on receipt of navy bills, etc. to give certificates for the same;

and so likewise the treasurer of the ordnance, on the receipt of debentures.

Certificates assignable until Nov. 30, 1785, etc.

is mentioned, shall be the principal fums for which the person or persons, bodies politick or corporate, delivering such bills or debentures, shall, for every one hundred pounds therein mentioned, be intitled to one hundred and eleven pounds, and eight shillings, in the capital stock of annuities, after the rate of five pounds *per centum per annum*, established by this act, and so in proportion for any greater or less sum.

Bills or debentures, the property of infants, may be delivered by their guardians, etc. to the said treasurers.

XI. And be it further enacted by the authority aforesaid, That if any infants shall, by the gift, devise, or decease of the parent, or other relation of such infants, or otherwise, become intitled to any of the said bills or debentures; in such case, the guardian or guardians, trustee or trustees of such infant or infants, shall or may be, and he, she, or they, is or are hereby impowered, for the benefit of such infant or infants, to deliver up to such respective treasurers all such of the said bills or debentures to which such infant or infants shall be so intitled; and such infant and infants, guardian or guardians, trustee or trustees, delivering up such bills or debentures, shall be intitled to such an annuity as aforesaid, and the said guardian or guardians, trustee or trustees, shall be discharged from the same; any thing herein contained, or any law, usage, or custom, to the contrary in anywise notwithstanding.

Clause relative to bills, etc. in possession of executors, trustees, depositaries, etc.

XII. Provided also, and be it further enacted by the authority aforesaid, That any person or persons who, as executor to, or administrator, trustee, committee of an idiot, or lunatick, or persons of unsound mind, depositary or mortgagee, shall be or become possessed of, interested in, or intitled unto, any of the said bills or debentures, shall and may deliver up such bills or debentures, as they shall be so possessed of, interested in, or intitled unto, to such respective treasurers as aforesaid; and as to executors or administrators, the annuities which they shall be intitled to in respect of the said bills or debentures so by them delivered up, shall be the same assets in their hands as the said bills or debentures were or would have been had they not been so delivered up for such annuity as aforesaid; and as to trustees, committees, depositaries, and mortgagees, the annuity which they shall be intitled unto, for or in respect of such trust, or mortgaged bills or debentures, which they shall so deliver up to such respective treasurers as aforesaid, shall be subject and liable to the same trusts, and equity of redemption, as such bills or debentures were, or would have been, had they not been so delivered up for such annuity as aforesaid.

The bank to receive certificates;

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said governor and company of the bank of *England*, and their successors, or such person or persons as they shall appoint for that purpose, and he and they is and are hereby respectively authorized and required to take in and receive all and every of the certificates to be made out in lieu of the said bills and debentures as aforesaid, in pursuance of the directions of this act; and upon the receipt of every such certificate shall, and he and they is and are hereby

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required forthwith to give credit, in a book or books to be prepared for that purpose, for the principal sum of one hundred and eleven pounds, and eight shillings, for every one hundred pounds contained in every such certificate, so brought to him or them as aforesaid, and so in proportion for a greater or lesser sum; and the person or persons, bodies politick or corporate, whose credit such principal sums shall be entered in the said book or books, his, her, or their executors, administrators, or assigns, shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or persons, bodies politick or corporate whatsoever, in other books to be prepared and kept for that purpose; and the said governor and company for the time being shall also, on or before the fifth day of July, one thousand seven hundred and eighty-six, transmit an attested duplicate, fairly written on paper, of the said book or books first herein-before mentioned, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

and for every rool. therein contained, to give credit for **lii. 8s.**

Stock may be transferred.

XIV. *And, for the more easy and sure payment of the annuities established by this act,* it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of England, and their successors, shall, from time to time, appoint and employ one or more sufficient person or persons, within their office in the city of London, to be their chief or first cashier or cashiers, and one other sufficient person, within the same office, to be their accountant general; and that the monies from time to time, and at any time, being in the receipt of the exchequer of the fund to be established for paying the said annuities, shall, by order of the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, without any further or other warrant to be sued for, had, or obtained in that behalf, be issued and paid at the said receipt of exchequer to the said first or chief cashier or cashiers of the said governor and company of the bank of England, and their successors, for the time being, by way of imprest, and upon account, for the payment of the said annuities; and that such cashier or cashiers, to whom the said monies shall from time to time be issued, shall, from time to time, without delay, apply and pay the same accordingly, and render his or their accounts thereof according to the due course of the exchequer.

The bank, from time to time, to appoint a cashier and accountant general, etc.

Cashier, on receipt of monies at the exchequer, to pay the annuities.

XV. And it is hereby also enacted, That the said accountant general for the time being shall, from time to time, inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay.

Accountant general to examine cashiers receipts and payments.

XVI. And be it further enacted by the authority aforesaid, That all the monies intended to be converted into annuities by virtue of this act, shall be deemed, reputed, and taken to be one capital or joint stock, on which the said annuities, after the rate of five pounds per centum per annum, shall be attending;

Monies to be converted into annuities to be one joint stock,

and to be transferrable.

Transfer books to be kept in the accountant general's office, &c.

Stock may be devised by will.

Bank to continue a corporation until redemption of the annuities.

No fee to be taken for computing interest on, or cancelling said bills, &c.

and that all and every person and persons, and corporations whatsoever, in proportion to the money which he, she, or they shall be intitled to as aforesaid, shall have, and be deemed to have, a proportional interest and share in the said stock, and in the annuity attending the same, at the rate aforesaid; and that the said whole capital or joint stock, or any share or interest therein, and the proportional annuity attending the same, shall be assignable and transferrable as this act directs, and not otherwise: and that there shall constantly be kept in the office of the said accountant general for the time being, within the city of *London*, a book or books, wherein all assignments or transfers of the said whole capital or joint stock, or any part thereof, and the proportional annuity attending the same at the rate aforesaid, shall be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers; or, if any such party or parties be absent, by his, her, or their attorney or attorneys, thereunto lawfully authorised by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and that the person or persons to whom such transfer shall be made shall respectively underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring the said stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good and available in law, and that no stamp-duties whatsoever shall be charged on the said transfers, or any of them.

XVII. Provided always, That all persons possessed of any share or interest in the said joint stock of annuities, or any estate or interest therein, may devise the same by will in writing, attested by two or more credible witnesses; but that no payment shall be made upon any such devise, until so much of the said will, as relates to such estate, share, or interest, be entered in the said office; and that, in default of such transfer or devise, such share, estate, or interest, shall go to the executors, administrators, successors, and assigns.

XVIII. Provided also, and it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, notwithstanding the redemption of all or any of their own funds in pursuance of the acts for establishing the same, or any of them, shall continue a corporation for the purposes of this act, until all the said annuities shall be redeemable by parliament; and the said governor and company, or any member thereof, shall not incur any disability for or by reason of his or their doing any matter or thing in pursuance of this act.

XIX. And it is hereby enacted by the authority aforesaid, That no fee, reward, or gratuity whatsoever, shall be demanded or taken for computing and marking the interest on the said bills or debentures, or for receiving, taking in, or cancelling the said bills or debentures, or any of them, or for granting certificates in lieu thereof as aforesaid, or for issuing the monies for

for paying the ſaid annuities, or any of them, or for any transfer of any ſum, great or ſmall, to be made in purſuance of this act, upon pain that any officer or perſon offending, by taking or demanding any fee, reward, or gratuity contrary to this act, ſhall, for every offence, forfeit the ſum of twenty pounds to the party grieved, to be recovered, with full coſts of ſuit, by action of debt, bill, plaint, or information, in any of his Ma-^{on penalty of}
 jeſty's courts of record at *Westmiſter*, wherein no eſſoin, pro-^{20l.}
 tection, privilege, or wager of law, injunction, or order of reſtraint, or any more than one imparlance, ſhall be granted or allowed.

XX. Provided always, and be it enacted by the authority aforeſaid, That the commiſſioners of the treaſury, or any three or more of them now being, or the high treaſurer, or any three or more of the commiſſioners of the treaſury for the time being, ſhall have power, and they are hereby authoriſed, out of the fund to be eſtabliſhed in this ſeſſion of parliament for payment of the annuities granted by this act, or out of the ſinking fund, to reward all ſuch perſons as ſhall be anyways employed in the execution of this act, for their ſervice, pains, and labour; and alſo to defray ſuch incident charges as ſhall neceſſarily attend the ſame: and alſo to appoint ſuch allowances as they ſhall think proper, for the ſervice, pains, and labour of the caſhier or caſhiers of the ſaid governor and company of the bank of *England*, for receiving, paying, and accounting for the ſaid annuities made payable by this act; and alſo for the ſervice, pains, and trouble of the accountant general of the ſaid governor and company, for performing the duty and truſt incumbent on him by this act; all which allowances hereby impowered to be made as aforeſaid, in reſpect to the ſervice, pains, and labour, of any officer or officers of the ſaid governor and company of the bank of *England*, ſhall be for the uſe and benefit of the ſaid governor and company, and at their diſpoſal only; any thing herein contained to the contrary notwithstanding.

Treaſury may reward all perſons employed in executing this act out of the fund for payment of the annuities.

XXI. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall, at any time or times, be ſued, moleſted, or proſecuted, for any thing by him or them done or executed in purſuance of this act, or of any matter or thing therein contained, ſuch perſon or perſons ſhall or may plead the general iſſue, and give the ſpecial matter in evidence for his or their defence; and if a verdict ſhall paſs for the defendant or defendants, or the plaintiff or plaintiffs ſhall diſcontinue his or their action, or be nonſuited, or judgement ſhall be given againſt him or them, upon demurrer or otherwiſe, then ſuch defendant or defendants ſhall have treble coſts to him or them awarded againſt ſuch plaintiff or plaintiffs.

Perſons proſecuted for executing this act, may plead the general iſſue,

and recover treble coſts.

C A P. XXXIII.

An act for raiſing a further ſum of money, by exchequer bills, for the ſervice of the year one thouſand ſeven hundred and eighty-five. — To raiſe 1000000 before Jan. 5, 1786, as by malt act,

C A P. XXXIV.

An act for better paving, cleansing, repairing, lighting, and watching the highways, streets, and lanes, of and in the vill of Ramsgate, in the county of Kent; and for removing and preventing annoyances therein; and for erecting a market-house, and holding a publick market in the said vill.

Commissioners for putting the act in execution. In case of the death, &c. of commissioners, new ones to be elected. Not obliged to elect new commissioners, until the number is reduced to thirty. No person holding any office, or having share in contract or works, to act as commissioner. The major part of commissioners, not less than seven at any meeting, to carry the act into execution. The president to have the casting voice. Proceedings to be entered in a book. Such book to be evidence. No act of the commissioners to be binding unless done at a meeting. First meeting at the workhouse in Ramsgate on the Tuesday fortnight after the passing the act. Adjournments by majority, &c. Qualification of commissioners, (except mayor of Sandwich and vicar of St. Laurence) residence in said vill, 20l. per ann. real estate, and 500l. personal. Penalty on acting not being qualified, 100l. Commissioners to appoint a clerk, treasurer, and surveyor, and allow them salaries. Officers refusing, &c. to obey the orders of commissioners, to be incapacitated, and to forfeit 50l. Pavement vested in the commissioners, who may direct the pavements to be altered, relaid, or repaired. Materials to be provided, and paid for, by the commissioners. No alteration to be made in the pavements without consent of the commissioners. Commissioners to contract for paving the streets, &c. Lamps to be affixed in such places as commissioners shall appoint. Persons destroying the lamps, or furniture thereof, to forfeit for the first offence 10s. for the second 15s. and for the third 20s. Persons accidentally damaging lamps, to make good the same. Watchmen to be appointed. For every chaldron of coals, coke or cinder, containing thirty-six Winchester bushels, imported and landed, or carried through the liberty of the vill of Ramsgate, 1s. and for coals, &c. sold by tun, of twenty hundred weight, 1s. and so in proportion above all other duty. Duty on coals, &c. to be collected before ships be permitted to depart from the port. On refusal to pay the duty, vessels and carriages to be detained. Obstructing payment of duty, or selling or consuming coals, &c. before payment thereof, to forfeit 40s. and damages, or be committed to the house of correction for two months, if not paid sooner; one moiety of the penalty to the informer. Books to be provided for entering accounts of monies received by the duty. General highway act to remain in force, as by 13 Geo. 3. c. 78. Surveyors of the highways to produce their accounts to the commissioners. Commissioners may borrow money at interest, but not more than 3000l. and assign the rates as a security; or may grant annuities on lives. Account of money borrowed, and annuities granted, to be entered in books. Persons purchasing annuities to enjoy the same during their lives, or lives of their nominees. Securities may be transferred. Monies borrowed to be charged upon the duties, &c. The duties to be applied to the purposes of the act. When monies paid off, commissioners to assemble inhabitants, and if they agree, then the duty to continue for ten years longer, but if they do not consent, then the duty to be reduced to 6d. per chaldron or tun; and at the expiration of the said ten years, finally to cease. Pavements to be repaired upon complaint of want of reparation. Foot pavements to be swept by inhabitants. Land to be provided for depositing materials for repairing the streets. Signs to be placed on the fronts of houses, and incroachments to be removed. Foot-paths and highways may be widened. Annoyances to be removed. Nuisances not to be permitted in the streets, &c. Liberty to make inclosures for building or repairing houses, &c. Projections to be avoided in future. Penalty on obstructing the execution of the act, 3l. Power to get materials. Watchmen to apprehend malefactors.

lefaftors and disturbers of the peace. Commiffioners to fet out a market. Market-houfe to be erected. Market-houfe vefted in the commiffioners. Market tolls not to commence till twelve months after the market is opened. To prevent incroachments on the market, no other to be held in the vill, nor any fleft, nor raw victuals, fifh, poultry, butter, eggs, herbs, roots, nor garden ftuff, to be fold in any other place therein, on penalty of 5l. to be recovered by diftreff and fale of goods, and one moiety to go to the informer. Fifhermen may fell fifh on the ftand, and the inhabitants provifions in their houfes. Penalties may be mitigated. Market-houfe, &c. to be erected by voluntary fubfcription. Commiffioners to purchafe ground for the market. If owners of ground refufe to agree, jury to fettle damages, with the ufual claufes. Penalties and forfeitures to be recovered by diftreff and fale of goods, and applied for the purpofes of the act. Expences of the act to be paid out of the money collected. Perfons aggrieved may appeal to the fefions. Diftreff not unlawful for want of form. Saving the jurifdiction of Sandwich. Limitation of actions. General iffue. Treble cofts. Publick act.

C A P. XXXV.

An act for the more eafy and effectual fale of lands, tenements, and hereditaments of crown debtors, or of their fureties.

WHEREAS by an act, made in the thirteenth year of Preamble. the reign of Queen Elizabeth, (intituled, An act to make 13 Eliz. c. 4. the lands, tenements, goods and chattels, of tellers, receivers, &c. liable to the payment of their debts), for the better fecurity of the Queen's majefty, her heirs and fucceffors, againft fuch as fhould have the receipt and charge of the money and treafure of her highnefs, her heirs and fucceffors, it was declared and enacted, That all lands, tenements, profits, commodities, and hereditaments, which certain officers of the crown, farmers, and perfons therein named, particularly the treafurer or receiver of any fums of money impreffed, or otherwife, for the ufe of the Queen's majefty, her heirs or fucceffors, then had, or at any time thereafter fhould have, within the time he or they, or any of them, fhould remain accountable; fhould, for payment and fatisfaction unto the Queen's majefty, her heirs and fucceffors, of his or their arrearages, at any time thereafter to be lawfully, according to the laws of the realm, adjudged and determined upon his or their account, (all his due and reasonable petitions being allowed), be liable to the payment thereof, and be put in execution for payment of fuch arrearages or debts, in like and in as large and beneficial a manner, as if the perfon had, the day he became officer or accountant, flood bound by writing obligatory, having the effect of a ftatute of the ftaple, to her Majefty, her heirs or fucceffors; and reciting, that forafmuch as many times it might come to pafs, that the Queen's highnefs, her heirs or fucceffors, might not be conveniently fatisfied of the debt to be determined or due upon any account as aforefaid, by way of extent, for that the yearly value of the lands extended would not fatisfy her highnefs, her heirs or fucceffors, within the compafs of many years, fo as that great lofs might enfue to her highnefs, her heirs and fucceffors; for remedy thereof it was enacted, That if any treafurer, or other perfon accountant before mentioned, which fhould, from and after the feaft of Saint Michael then next enfuing, receive or be charge-

able with any money or treasure of the Queen, her heirs or successors, and should, upon the determining of his or their account, or by reason of any farm as aforesaid, be found in arrearages, and should not, within six months next after his or their accounts finished, or debt known, pay all such sums of money as he or they should, upon determination of his or their account, or upon his or their debt known, it should be lawful to the Queen's highness, her heirs and successors, at any time, and from time to time, after the said six months ended, to make sale, by her or their letters under the great seal of England, of so much of the lands, tenements, and hereditaments, of every such accountant or debtor, so being found in arrearages or debt, as might suffice the Queen, her heirs or successors, for satisfaction, until her Majesty, her heirs or successors, should be by such sale fully satisfied and paid off such arrearages and debt; and that if any overplus should be received upon any such sale, then the same should be paid to the accountant or farmer, or his heirs, by the officer that should receive the same money upon any of the said sales, without further warrant in that behalf: and whereas by an act, made in the twenty-seventh year of the same Queen, after reciting certain doubts upon the said act of the thirteenth year of her reign, it was declared and enacted, That the said recited act, in every part thereof touching the power thereby given to her highness, her heirs and successors, to make sale of any the lands, tenements, or hereditaments, by the same act limited to be sold, should be expounded and intended, as well in case where the sale is to be made after the death of such accountant or debtor, as where it is to be made in his or their life-time; and also as well in case where the account is made, or the debt known, within eight years after the death of such accountant or debtor, as where the same account is made, or the debt known, in the life-time of the same accountant or debtor; but it was provided, That after the death of such accountant or debtor, and before any the lands, tenements, and hereditaments, descended unto the heir of such accountant or debtor as heir, should be sold, a scire facias should be awarded out of her Majesty's court of exchequer unto the sheriff of the county where any such lands lie, to garnish the same heir, to shew cause why the same lands, tenements, and hereditaments, should not be put to sale for satisfaction of the same debts or farms in the said act mentioned, according to the tenor thereof; whereupon if the heir should not, within a convenient time, upon a garnishment or two nichils returned, shew and prove unto the said court that the executors or administrators of such accountant or debtor have sufficient, which ought to answer or be liable for the same debt or farm, then, after ten months next after such two nichils or garnishment returned, the same lands, tenements, or hereditaments, should be sold by her Majesty, her heirs or successors, and the money thereof coming disposed according to the said former recited act: and after various other enacting clauses, there was a proviso to prevent sale of the lands, tenements, or hereditaments of any heir, during the time of his or her nonage: and whereas by an act, made in the thirtieth year of the reign of Queen Elizabeth, the said recited explanatory act of the twenty-seventh year of Queen Elizabeth was repealed, and a new exposition was made of the said recited statute of

47 Eliz. c. 3.

59 Eliz. c. 7.

the

the thirteenth of Elizabeth, with various new provisions; but the said act of the thirty-ninth year of Elizabeth being only temporary, and having expired early in the reign of James the First, the said explanatory act of the twenty-seventh year of Elizabeth became revived, and is now in force: and whereas it may tend greatly to facilitate and expedite the payment of debts to the crown, where the real estates of its accountants or debtors, or of their sureties, are seized into the King's hands under writs of extent, if a sufficient part of such estates was to be sold unto the provisions of the said recited acts of the thirteenth and twenty-seventh years of Queen Elizabeth, but the said acts have not been lately put in use, and inconvenience is likely to arise if the mode of sale therein directed should be pursued; be it therefore declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for his Majesty's court of exchequer, and the same court is hereby authorized, on the application of his Majesty's attorney general in a summary way, by motion to the same court, to order that the right, title, estate, and interest of any debtor to his Majesty, his heirs and successors, and the right, title, estate, and interest of the heirs and assigns of such debtor, in any lands, tenements, or hereditaments which have been, or shall hereafter be extended under and by virtue of any such writ of extent or *diem clausit extremum* as aforesaid, or so much thereof as shall be sufficient to satisfy the debt for which the same shall have been so extended, shall be sold in such manner as the said court shall direct; and that when a purchaser or purchasers shall be found, the conveyance of the lands, tenements, or hereditaments so decreed to be sold shall be made to the purchaser or purchasers by his Majesty's remembrancer in the said court of exchequer, or his deputy, under the direction of the said court, by a deed of bargain and sale, to be inrolled in the same court; and that, from and after the making of such conveyance, and the inrollment thereof as aforesaid, the bargainee or bargainees in such conveyance, and his or their heirs, executors, administrators, and assigns, shall have, hold, and enjoy the lands, tenements, and hereditaments therein comprized, for his and their own respective use and benefit, not only against the extent of the crown, but also against such debtor of the crown, or the surety or sureties for such debtor, and all persons claiming under such debtor, or the surety or sureties, unless by a title paramount to, and available in law against such extent as aforesaid; and all monies which shall become payable from any such purchaser or purchasers as aforesaid, shall be paid, accounted for, and applied towards discharge of the debt due to the crown, and of all costs and expences which shall be incurred by the crown in enforcing the payment of such debt, in such manner as the said court of exchequer shall from time to time order and appoint: and if, after payment of the whole debt to the crown, and of all costs and expences

Court of exchequer, on application of the attorney general, may order the estate of any debtor to his Majesty, &c. to be sold.

The surplus, if any, after payment of

debt and costs, to be paid to the persons intitled thereto.

pences incurred in enforcing the payment thereof, there shall be any surplus of the monies arising from any such sale, the said surplus shall belong to the same person or persons as would be intitled to the lands, tenements, or hereditaments sold, if there had not been a sale thereof, and shall accordingly be paid to such person or persons, under the order and direction of the said court of exchequer, upon motion or petition to the said court, to be made upon such notice to the crown, and to be supported by such affidavits or other proofs, as to the said court shall from time to time seem just and reasonable.

Court of exchequer may make an order for the production of title deeds.

II. *And whereas, from the want of the deeds and writings relative to the title of such lands, tenements, and hereditaments, as the said court of exchequer may decree to be sold under this act, difficulties may arise in the execution hereof, be it therefore further enacted,* That it shall be lawful for the said court of exchequer, from time to time, to make such order touching the production, delivery, and custody of such title deeds and writings as aforesaid, in the same manner as if a decree had been made by the said court for a sale of the lands of a crown debtor, in execution of a trust created for payment of debts by such crown debtor himself.

C A P. XXXVI.

An act for building a new bridge over the haven of Great Yarmouth; and for enlarging the term, and altering some of the powers, of an act of the twelfth year of his present Majesty, "for clearing, deepening, repairing, maintaining, and improving, the haven and piers of Great Yarmouth; and for deepening and making more navigable the several rivers emptying themselves into the said haven; and for preserving ships wintering therein from accidents by fire."

11 Geo. 3 c. 14. Commissioners to cause a plan to be made of a new bridge, which is to be built by contract. When the new bridge is built, the present one to be taken down, and the materials sold. So much of the duties by former act, as is equal to one halfpenny per chaldron on coals, Winchester measure, last of wheat, rye, barley, malt, or other grain, and every weigh of salt, and every ton of other goods (fish excepted) imported into the said haven or road, and also all money thereby directed to be applied towards repairing the said bridge and the public quays, there collected, and not applied, or after received, to be applied by the mayor, &c. of Great Yarmouth, for building the said bridge, and supporting the quays, and for other expences as the commissioners shall direct; and all such money to be annually accounted for. Power to borrow 2000. and to assign the rates as a security. Assignments may be transferred. After the bridge is completed, the money borrowed to be paid off, according to the direction of the commissioners. The duty appropriated to repair the present bridge, to be applied (after payment of the money to be borrowed) to the repair of the new bridge, etc. Power to apply the surplus of the duties appropriated to Norwich, Norfolk, and Yarmouth, for other purposes than those directed by the act. The corporation to advertise for proposals for furnishing materials for repair of the bridge, etc. Penalty on throwing rubbish, etc. in the haven, etc. 40s. for every offence. Expences of this act to be paid out of the first money. Former act continued, (except where altered,) and the present act to commence June 13, 1785, and to continue for the further term of twenty-one years, from the expiration of the former act. Publick act.

C A P.

C A P. XXXVII.

An act for rebuilding the bridge across the river of Ayr, at the town of Ayr.

WHEREAS the bridge across the river of Ayr, which is of great publick utility, being the only communication for travellers going for Ireland, by the great west road, through the county of Ayr, and for the march of his Majesty's troops to Ireland by that road is not only very incommodious, being steep at each end, and so narrow, that it is with difficulty that two carriages can pass each other, but also the same, from its great age and natural decay, is become insufficient; it is therefore absolutely necessary either to have the said bridge taken down and rebuilt, or to build a new bridge near to it; but the same cannot be effected without the aid of parliament.

Magistrates of Ayr empowered to rebuild the bridge of Ayr. Damages to be ascertained by a jury, and the usual clauses for that purpose. For injuring the works of the bridge to pay damages and costs, and may be committed. Pontage for passing the bridge: coaches, &c. drawn by six horses, &c. 4s. by four horses, &c. 2s. by three horses, etc. 1s. 4d. by two horses, etc. 1s. and by one horse, &c. 6d. waggons, etc. drawn by six horses, etc. 4s. by five horses, etc. 3s. 4d. by four horses, etc. 2s. 8d. by three horses, etc. 1s. by two horses, etc. 8d. and by one horse, etc. 4d. for sledges without wheels, and horses, etc. not drawing, 2d. for oxen, etc. per score, 1s. horses, etc. unhod, per score, 2s. for calves, sheep, lambs, hogs, or goats, per score, 6d. Pontage may be levied by distress. Carriages loaden with coals, peat, or turf, drawn by one horse, one penny toll. Toll to be paid but once a day, unless passing with a new loading. Penalty on evading the toll, 20s. Penalty on taking off horses to evade the tolls, 20s. Exemptions from tolls: horses, etc. carrying corn, or victual, to or from Ayr milns, or farm meal to granaries, or dung, etc. or implements of husbandry, carriages, etc. with hay, corn in straw to be laid up, (but if for sale to pay,) but not coals for exportation, nor cattle, etc. to pasture or water, post horses, carriages, attending soldiers on march, or carrying vagrants. But this exemption only to extend to carriages with one horse, except carriages attending soldiers on march. Materials may be gotten for building or repairing the bridge. Houses not to be built on the bridge. In case new bridge shall not be built on the scite of the old one, the toll to be collected at the old bridge till the new one is built. If old bridge becomes impassable before new one built, a ferry to be established. Foot passengers to pay one halfpenny for passing the ferry. Tolls for passing over the river by the old bridge, the same as for the new one. Carriages not to remain on the bridge, etc. longer than necessary, nor cause obstructions, on penalty of 20s. Bridge vested in the magistrates of Ayr. 5000l. may be borrowed. Fords in the river to be spoiled. Old bridge not to be used by wheel carriages after new one built. Commissioners appointed. Tolls to be reduced when they produce 7l. 10s. per cent. of the cost. Free when money borrowed is paid, and a fund raised to keep it in repair. Commissioners to settle accounts. Commencement of the act from the passing. Magistrates and council to have jurisdiction in complaints, and determine thereon in a summary way. Costs allowed in actions brought. Sheriffs, etc. to be aiding in execution of the act. Publick act.

C A P. XXXVIII.

An act for vesting in Edward Bancroft, doctor in physick, his executors, administrators, and assigns, the sole property of his invention or discovery of the use and application of certain vegetables for dying, staining, printing and painting certain valuable colours, throughout that part of his Majesty's kingdom of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, for a limited time.

Preamble.

Recital of his Majesty's letters patent, dated Oct. 23, 1775.

16 Geo. 3.
c. 5.

The sole privilege of making and vending the invention vested in

WHEREAS his most excellent majesty King George the Third, by his letters patent under the great seal of Great Britain, bearing date at Westminster, the twenty-third day of October, in the fifteenth year of his reign, did give and grant unto Edward Bancroft, of Downing-street, Westminster, doctor in physick, and fellow of the royal society, his executors, administrators, and assigns, his said Majesty's especial licence, full power, sole privilege and authority to make, use, exercise, and vend his the said Edward Bancroft's invention of using certain vegetables growing spontaneously in his Majesty's American dominions, and their tingent, staining, or colouring parts and particles, for dying, staining, printing, painting, or otherwise communicating certain valuable colours, in, upon, or to wool, hair, fur, silk, hemp, cotton, linen, skins, leather, paper, and wood, and to the several productions, manufactures, and substances composed of the same, within his Majesty's kingdom of England, dominion of Wales, and town of Berwick upon Tweed, for the term of fourteen years: and whereas, in consequence of an act of parliament made in the sixteenth year of the reign of his present Majesty, (To prohibit all trade and intercourse with the colonies of Newhampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and for other purposes therein mentioned), and of the succeeding war, the said Edward Bancroft has been deprived of the benefit of the said letters patent: to the end therefore that the said Edward Bancroft may be restored to the full benefit of the said letters patent, and be enabled and encouraged to prosecute and complete his said invention, and that his property therein, and in his improvements thereof, may be secured, so that the publick may reap all the advantages to be derived therefrom, in their fullest extent; and the said Edward Bancroft may receive an adequate recompence for his study, labour, expence, and time; may it please your Majesty (at the humble petition of the said Edward Bancroft) that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, the sole privilege and advantage of making, using, exercising, and vending the said invention, mentioned in the said letters patent, with the additions and improvements since

since made therein, within that part of his Majesty's kingdom of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*, shall be, and the same is hereby declared to be, vested in the said *Edward Bancroft*, his executors, administrators, and assigns, for and during the term of fourteen years from thenceforth next ensuing, and fully to be compleat and ended; and that he the said *Edward Bancroft*, his executors, administrators, and assigns, and every of them, by himself or themselves, or by his or their deputy or deputies, servants or agents, or such others as he the said *Edward Bancroft*, his executors, administrators, or assigns, shall at any time agree with, and no others, from time to time, and at all times during the term of years herein-before last mentioned, shall, and lawfully may, make, use, exercise, and vend the said invention herein-before mentioned, with all and every the additions and improvements thereof, within that part of his Majesty's kingdom of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*, in such manner as to him the said *Edward Bancroft*, his executors, administrators, and assigns, or any of them, shall, in his or their discretion, seem meet; and that the said *Edward Bancroft*, his executors, administrators, and assigns, and every of them, shall and lawfully may have and enjoy the whole profit, benefit, commodity, and advantage, from time to time, coming, growing, accruing, and arising, by reason of the said invention, for and during the said term of fourteen years, herein-before last mentioned; to have, hold, exercise, and enjoy the said privileges and authorities, and every part thereof, unto the said *Edward Bancroft*, his executors, administrators, and assigns, for and during, and unto the full end and term of fourteen years, from the passing of this act as aforesaid; and that no other person or persons within that part of his Majesty's kingdom of *Great Britain* called *England*, the dominion of *Wales*, and the town of *Berwick upon Tweed*, shall at any time, during the same term of fourteen years, either directly or indirectly, make, use, or put in practice the said invention, or any part of the same, nor in anywise counterfeit, imitate, or resemble the same; nor shall make, or cause to be made, any addition thereunto, or subtraction from the same, whereby to pretend himself, herself, or themselves, the inventor or inventors, deviser or devisers thereof, without the licence, consent, or agreement of the said *Edward Bancroft*, his executors, administrators, or assigns, in writing under his or their hand and seal, or hands and seals, first had and obtained, in that behalf, upon such pains and penalties as can or may be justly inflicted on such offender or offenders, for his, her, or their contempt of this act; and further to be answerable to the said *Edward Bancroft*, his executors, administrators, and assigns, according to law, for his or their damages thereby occasioned.

Edward Bancroft, his executors, etc. for 14 years.

Penalty on other persons using the invention without license, etc.

II. Provided always, and it is hereby declared, That nothing contained in this act shall extend, or be construed to extend, to prejudice This act not to hinder the using any in-

vention which is not the invention or application of Edward Bancroft, etc.

prejudice or hinder any person or persons from making or using any invention, which is not of the invention or application of the said *Edward Bancroft*, of using certain vegetables growing spontaneously in *North America*, as described in his Majesty's letters patent aforesaid, or which is not, or at the date of the said letters patent was not, a new invention, as to the publick use and exercise thereof within that part of his Majesty's kingdom of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick upon Tweed*; and that every objection which might have been justly made to the said invention not being a new invention within the true intent and meaning of an act of the twenty-first of *James the First*, sufficient to invalidate letters patent, may be made in bar to any action brought by virtue or in consequence of this act.

If Edward Bancroft, etc. shall transfer the privilege of his invention to more than five persons, etc.

III. Provided also, That if the said *Edward Bancroft*, his executors, administrators, or assigns, or any person or persons who shall, at any time during the said term of fourteen years from the passing of this act, have or claim any right, title, or interest, in law or equity, of, in, or to the power, privilege, or authority of the sole use and benefit of the said invention, shall make any transfer or assignment, or pretended transfer or assignment, of the said liberty or privilege hereby granted to the said *Edward Bancroft*, his executors, administrators, and assigns, or any share or shares of the benefit or profits thereof, or shall declare any trusts thereof to or for any number of persons exceeding the number of five, or shall open, or cause to be opened, any book or books for publick subscriptions to be made, by any number of persons exceeding the number of five, in order to the raising of any sum or sums of money, under pretence of carrying on the said liberty or privilege hereby granted to the said *Edward Bancroft*, his executors, administrators, and assigns, or shall, by him or themselves, or his or their agents or servants, receive any sum or sums of money whatsoever of any number of persons exceeding in the whole the number of five, for such or the like intents or purposes, or shall presume to act as a corporate body, or shall divide the benefit of the liberty or privilege hereby granted to the said *Edward Bancroft*, his executors, administrators, and assigns, into any number of shares exceeding the number of five, or shall commit or do, or procure to be committed or done, any act, matter, or thing whatsoever, during such time as the said *Edward Bancroft*, his executors, administrators, or assigns, or any such person or persons shall have any such right, title, or interest, either in law or equity, which shall be contrary to the true intent and meaning of an act of parliament made in the sixth year of the reign of his late majesty King *George the First*, (intituled, *An act for the better securing certain powers and privileges intended to be granted by his Majesty, by two charters for assurance of ships and merchandizes at sea, and for lending money upon bottomry; and for restraining several extravagant and unwarrantable practices therein mentioned*); or in case the said power, privilege, or authority, shall at any time

or shall do any thing contrary to the recited act,

6 Geo. I. c. 18.

become

become veſted in, or in truſt for more than the number of five perſons, or their representatives, at any one time, otherwiſe than by deviſe or ſucceſſion, (reckoning executors and administrators as and for the ſingle perſon whom they represent, as to ſuch intereſt as they are or ſhall be intitled to in right of ſuch their teſtator or inteſtate); that then, and in every of ſuch caſes, all liberties and advantages whatſoever, hereby granted and veſted in the ſaid *Edward Bancroft* his executors, administrators, and aſſigns, ſhall utterly ceaſe, determine, and become void; any thing herein-before contained to the contrary thereof in anywiſe notwithstanding.

then this act
to become
void.

IV. Provided alſo, and be it further enacted and declared by the authority aforeſaid, That if the ſaid *Edward Bancroft*, his executors, administrators, or aſſigns, or ſome one of them, ſhall not particularly deſcribe and aſcertain the nature of the ſaid invention, in its preſent improved ſtate, by an inſtrument under his hand and ſeal, and cauſe the ſame to be inrolled in the high court of chancery, within four calendar months after the paſſing of this act, that then all the liberties, powers, privileges, and advantages, hereby granted and veſted in the ſaid *Edward Bancroft*, his executors, administrators, and aſſigns, ſhall ceaſe, determine, and be and become abſolutely void; any thing herein-before contained to the contrary thereof in anywiſe notwithstanding.

Edward Bancroft, etc. to
cauſe a ſpecifica-
tion of the
nature of his
invention to
be inrolled in
chancery
within four
months; or
to loſe the
benefit of this
act.

V. And be it further enacted by the authority aforeſaid, That this act ſhall be adjudged, deemed, and taken to be a publick act; and ſhall be judicially taken notice of as ſuch, by all judges, juſtices, and other perſons whomſoever, without ſpecially pleading the ſame.

Publick act.

C A P. XXXIX.

An act for the better preſerving and maintaining the piers and harbour of Cromarty in North Britain.

WHEREAS Cromarty Bay in North Britain, has, in all times been a moſt ſafe road ſtead to ſhips of all nations overtaken with ſtorms, in any part of the German ocean; and the erection of a pier and harbour, has been judged beneficial to navigation in general, and to the commerce of that part of the united kingdoms in particular: and whereas George Roſs of Cromarty, eſquire, proprietor of the barony of Cromarty, and of the port and harbour, has given up, for the benefit of the publick, the ground and coaſt neceſſary to be occupied by the ſaid harbour and pier; and his Majeſty has been graciouſly pleaſed to grant the ſum of five thouſand pounds, out of the produce of the forfeited eſtates in Scotland, towards erecting the ſaid harbour and pier: and whereas the main pier is erected, and one of the other piers, or jettees, to compleat the ſaid harbour, is begun to be erected: and whereas the above ſum of five thouſand pounds not being ſufficient for erecting and completing the ſaid piers and harbour, the ſaid George Roſs has undertaken to complete the ſame at his own expence; but the ſaid harbour and piers, of ſo great publick utility, cannot

cannot be maintained and preserved, without such tolls are levied as may be adequate to that purpose: and as the same cannot be effected without the aid and authority of parliament: may it therefore please your Majesty that it may be enacted, &c.

Sheriff depute for the counties of Rois and Cromarty, the provosts of Dingwall and Fortrofe, and the baron baillie of Cromarty, to be trustees. From Aug. 1, 1785, trustees may collect the following tolls: For every boll of grain, consisting of 4 firlots, one halfpenny: for every boll of meal, one farthing: for every barrel of English coals, of three bushels, one halfpenny: for every ton of Scots coals, twenty hundred weight, 3d.: for every gross of quart bottles, 1d.: for each 100 bolls of lime, 1s. 6d.: for each boll of foreign salt, three farthings: for each boll of native salt, one halfpenny: for every 40 solid feet of wood in logs, 4d.: for each 1000 slates and pantiles, 6d.: for each 1000 bricks, 4d.: for each barrel of salmon, 1d. 1q.: for each 100 salmon kits, 1s. 8d.: for each barrel of herrings, three farthings: for each 100 barrel hoops, one halfpenny: for each 150 half barrel hoops, one halfpenny: for each 1000 Virginia barrel staves, 1s.: other goods according to value, 2 per cent.: for each barrel of goods, 1d.: for each small parcel, one halfpenny: for all empty casks, one fourth of what they pay when full. Anchorage duties: Vessels of 300 tons, 8s. ditto of 200, 7s. ditto of 150, 6s. ditto of 100, 5s. ditto of 75, 4s. ditto of 50, 3s. ditto of 30, 2s. ditto of 15, 1s. ditto of 6, 6d. under 6, 3d. Owners of vessels to permit them to be measured, on penalty of 5l. Collectors and other officers to be appointed. To prevent evading the payment of the rates and duties, not to enter or clear out, without receipt for duty. Duties to be paid. In case of refusal, to be levied by distress. Owners of vessels refusing to pay duties, to forfeit 5l. sterling. Trustees impowered to borrow 3000l. Rates, &c. to be applied to the repair of the works of the harbour. Obstructions to be removed. Goods not to remain on the piers more than forty-eight hours. Warehouses to be prepared for depositing goods. Gunpowder and other combustibles to be removed off the quays. Ships may be removed from one birth to another. Allowing ships in distress a preference. Throwing ballast, etc. into the harbour, 40s. penalty. Ballast, etc. to be removed off the quays. Masters of vessels answerable for damages done by their crews. Fish not to lye on the quays above forty-eight hours. Penalties and forfeitures above 5l. to be recovered by actions, and applied to the purposes of the act. For recovering penalties under 5l. before a justice. Penalties and forfeitures may be mitigated. Materials may be taken. Roads to be made to quarries for getting materials. Persons destroying the works, may be committed for twelve months. Bye-laws may be made. Saving the right to the ferry, etc. Act to commence Aug. 1, 1785, and to continue twenty-one years. Act may be pleaded in actions brought. Justices, etc. to assist in the execution of this act; which shall be deemed a publick one.

C A P. XL.

An act for more effectually preventing frauds and abuses committed by persons employed in the manufactures of combing wool, worsted yarn, and goods made from worsted, in the counties of Bedford, Huntingdon, Northampton, Leicester, Rutland, and Lincoln, and the Isle of Ely.

Preamble.
Recital of
acts 22 Geo.
2. c. 27;

WHEREAS, by an act made in the twenty-second year of the reign of his late majesty King George the Second, intituled, An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp,

hemp, flax, mohair, and filk manufactures; and for preventing unlawful combinations of journeymen dyers, and journeymen hot preffers, and of all persons employed in the faid feveral manufactures; and for the better payment of their wages; and by another act, made in the fourteenth year of the reign of his present majesty King George the Third, intituled, An act to amend an act, made in the twenty-second year of the reign of his late majesty King George the Second, intituled, *An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and filk manufactures; and for preventing unlawful combinations of journeymen dyers, and journeymen hot preffers, and of all persons employed in the said several manufactures; and for the better payment of their wages: and by another act, made in the fifteenth year of the reign of his said present Majesty, intituled, An act to explain and amend an act,* and 15 Geo. 3. c. 14.

made in the fourteenth year of his present Majesty, intituled, An act to amend an act, made in the twenty-second year of the reign of his late majesty King George the Second, intituled, "An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of hats, and in the woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, mohair, and filk manufactures; and for preventing unlawful combinations of journeymen dyers and journeymen hot preffers, and of all persons employed in the said several manufactures; and for the better payment of their wages;" certain penalties and punishments in the said acts respectively mentioned, are inflicted upon all persons, who shall reel short or false yarn, and on persons embezzling the materials used in the said manufactures: and whereas the good purposes in the said laws have been greatly frustrated, from the manufacturers of combing wool, worsted yarn, and goods made from worsted, being unwilling to expose themselves singly to the loss attending the resentment of the spinners and work-people, by prosecuting them for offences against the said acts: and whereas this important branch of the woollen manufacture will be greatly prejudiced thereby, unless the manufacturers are enabled jointly to carry these laws into effectual execution; which cannot be done without the aid of parliament: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That a general meeting of the manufacturers of combing wool, worsted yarn, and goods made from worsted, in the counties of Bedford, Huntingdon, Northampton, Leicester, Rutland, and Lincoln, and the Isle of Ely, shall be held at Kettering, in the county of Northampton, upon the second Tuesday in the month of August next ensuing after the passing of this act, at the hour of eleven of the clock in the forenoon of the same day, notice of which shall be given in the Northampton, Cambridge, Stamford, and Lincoln newspapers, at least twenty-one days before the said meeting, by the clerk of the peace for the

General meeting of manufacturers appointed,

who are to
chufe a com-
mittee.

Powers of the
committee.

Committee to
appoint a
clerk;

his duty.

county of *Northampton*; at which faid general meeting the faid manufacturers prefent, by themfelves or proxies appointed by writing under the hands of any fuch manufacturers, fuch proxies (if any) being alfo manufacturers, fhall have votes; and having firft chofen a chairman, the faid manufacturers fhall elect, nominate, and appoint eighteen perfons from amongst themfelves, in the manner and proportions following; *videlicet*, from the county of *Bedford* three; from the county of *Huntingdon* three; from the county of *Northampton* three; from the county of *Leicefter* two; from the county of *Rutland* two; from the county of *Lincoln* three, *videlicet*, one from the parts of *Lindfey*, one from the parts of *Holland*, and one from the parts of *Kefteven*; and from the *Iffe of Ely* two; which faid eighteen perfons, fo to be elected, fhall be a committee of the faid manufacturers for the time being, and until another committee fhall be chofen and appointed in the manner herein-after provided, and fo as often as there fhall be occafion; which committee are hereby authorized and impowered to nominate and recommend proper perfons for the faid counties, and the faid *Iffe of Ely* refpectively, to be licensed by the juftices of the peace of the faid counties, and the faid *Iffe of Ely* refpectively, at any of their quarter fefions, or any adjournment thereof, or if no adjournment, then by two juftices of the peace for any of the faid counties, and the faid *Iffe of Ely*, to be inspectors for the purpofes herein-after mentioned; and the faid committee fhall alfo have the direction of all prosecutions of offenders againft this and the faid before-mentioned acts, and the management of the fund or funds herein-after to be created, and fhall have power to do all other matters and things which may be deemed neceffary and proper for carrying this act into execution, in fuch manner as the faid committee of the manufacturers for the time being, or the majority of them, at a quarterly meeting to be affembled, fhall judge and think beft for the intereft and advantage of all the faid manufacturers in the faid counties of *Bedford*, *Huntingdon*, *Northampton*, *Leicefter*, *Rutland*, and *Lincoln*, and the *Iffe of Ely*.

II. And be it further enacted, That it fhall be lawful for the faid committee, or the majority of them, at any quarterly meeting affembled, and they are hereby authorized and required, from time to time, to nominate and appoint, by writing under their hands, a proper perfon or perfons to be their clerk or clerks for the feveral counties before mentioned, and the *Iffe of Ely*; which faid clerk or clerks fhall attend the meetings of the faid committee, and fhall, in proper books to be provided for that purpofe, enter and keep true and perfect accounts of all the acts, proceedings, and tranfactions of the faid committee; and that each and every of the faid manufacturers fhall and may, at all convenient times, have recourfe to and perufe and inspect all fuch books *gratis*, and may demand and have copies thereof, or of any part thereof, paying two-pence for every one hundred words fo to be copied; and if any fuch

ſuch clerk ſhall reſuſe to permit any ſuch manufacturer to inſpect any ſuch book, or reſuſe to make copies or extracts thereof, at the rate or times aforeſaid, he ſhall, for every ſuch offence; forfeit the ſum of five pounds, to be recovered in ſuch manner as any other penalties inflicted by this act are directed to be recovered.

III. And be it further enacted, That for the purpoſes aforeſaid a meeting of the ſaid committee for the time being ſhall be held four times in every year, (that is to ſay); on the *Monday* before *Midſummer-day*, the *Monday* before *Michaelmas-day*, the *Monday* before the *Epiphany*, and the *Monday* before *Eaſter-day*, at eleven of the clock in the forenoon of each and every of the ſaid days, in any of the counties before-mentioned, which the ſaid committee ſhall think the moſt convenient place for tranſacting the buſineſs; and the committee at ſuch quarterly meetings ſhall have power to adjourn themſelves from time to time, as occaſion may require; the firſt of which ſaid quarterly meetings ſhall be held on the firſt of the ſaid days on which the ſaid quarterly meetings are herein-before appointed to be held, which ſhall firſt happen after the election of ſuch committee for the ſeveral counties before mentioned, and the ſaid *Iſle of Ely*, and at ſuch place as ſhall be fixed and agreed upon by ſuch committee after their election; and at ſuch firſt quarterly meeting, and every ſubſequent quarterly meeting, of ſuch committee for the time being, a chairman for each of ſuch quarterly meetings ſhall be choſen, and the place at which the then next quarterly meeting ſhall be held ſhall be fixed upon and appointed by the majority of ſuch committee then aſſembled, and the chairman of ſuch committee is hereby required to cauſe fourteen-days notice to be given of the time and place of the next following quarterly meeting of ſuch committee, in the *Northampton*, *Cambridge*, *Stamford*, and *Lincoln* newspapers; and all matters or things that ſhall come before ſuch committee for their determination ſhall be determined by a majority of votes of the members of ſuch committee there preſent; and if there ſhall be an equality of votes upon any queſtion which ſhall come before the ſaid committee, then the chairman ſhall have a caſting vote, by which vote ſuch queſtion in diſpute ſhall be determined.

Quarterly meetings appointed.

Chairman to be choſen.

Queſtions to be determined by a majority.

IV. Provided nevertheless, That in caſe, at any ſuch quarterly meetings, there ſhall not be preſent and aſſembled ſeven of the perſons conſtituting ſuch committee, then and in ſuch caſe it is hereby declared, that no buſineſs whatſoever ſhall be done at ſuch meeting, and the majority of the perſons then preſent ſhall cauſe fourteen days notice to be given in the *Northampton*, *Cambridge*, *Stamford*, and *Lincoln* weekly newspapers, of the then next enſuing quarterly meeting.

No buſineſs to be done at quarterly meetings, unleſs ſeven members are preſent.

V. Provided alſo, That if, at any time after the expiration of two years from the paſſing of this act, the ſaid committee ſhall judge it ſufficient for the purpoſes of this act to meet half-yearly only, inſtead of quarterly, that then the ſaid committee

After two years, half-yearly meetings only may be holden.

shall not afterwards be obliged to hold their meetings oftener than twice in every year, which meetings shall be holden upon the *Monday* before *Michaelmas-day*, and the *Monday* before *Easter-day*; and the committee at every such half-yearly meeting shall be subject to the like regulations and directions, and shall have the like powers and authorities, in all respects, as are in this act mentioned or contained with respect to the said quarterly meetings; any thing herein-before contained to the contrary hereof notwithstanding.

Three committee men may call a special meeting.

VI. And be it further enacted, That if at any time it shall appear to any three or more of such committee for the time being, that, for the more effectual putting any of the powers granted by this act into execution, or for settling or discussing any matters or things whatsoever relative to the same, a special meeting of such committee is necessary or expedient to be held, it shall be lawful for the said three or more of the said committee for the time being to direct the clerk to give notice of such special meeting of the committee to every member thereof, setting forth the place where, and the time when, such special meeting shall be appointed to be held; and in case there shall be then present at such special meeting seven of the said committee, it shall be lawful for the said committee, so present, to proceed in the execution of the powers given by this act to such committee.

New committee men to be chosen upon vacancies.

VII. And be it further enacted, That in case any one or more of the said committee for the time being shall die, or shall decline business as a manufacturer or manufacturers, or shall go to reside in any county not subject to the regulations of this act, or shall wilfully absent himself or themselves from the said quarterly meetings, for the space of one year, or refuse to act, then and in such case it shall and may be lawful to and for the said committee for the time being, at any of their said quarterly meetings, there being seven of such committee then present, to chuse another or other proper person or persons, being a manufacturer or manufacturers of combing wool, worsted yarn, or goods made from worsted, in his or their place or places, who shall have the same power and authority as if appointed at a general meeting.

If committee neglect their duty,

VIII. And be it further enacted by the authority aforesaid, That if, at any time hereafter it shall appear to any sixty or more of the manufacturers of combing wool, worsted yarn, or goods made from worsted, within the said counties of *Bedford*, *Huntingdon*, *Northampton*, *Leicester*, *Rutland*, and *Lincoln*, and the *Isle of Ely*, that the said committee for the time being neglect to discharge their duty, to the ends, intents, and purposes for which such committee was appointed; and in case such sixty or more of such manufacturers, so dissatisfied, shall, in writing under their hands, make complaint thereof to the justices of the peace for the county of *Northampton*, in any of the general or quarter sessions of the peace, or in any adjournment thereof, for the aforesaid county, to be held and assembled, then and in such

justices may, on complaint thereof, call a general meeting.

such cafe it fhall be lawful for fuch juftices, in fuch feffions afsembled, and they are hereby required (if they fhall think proper, after hearing the nature of fuch complaint) to call and appoint a general meeting of the manufacturers of combing wool, worfted yarn, and goods made from worfted, within the aforefaid counties, and the *Iſle of Ely*, at fuch time and place as fuch juftices fhall think proper, and fhall alfo caufe notice to be given of fuch general meeting of fuch manufacturers as aforefaid, in the *Northampton, Cambridge, Stamford,* and *Lincoln* newspapers, fetting forth the place where, and the time when, fuch general meeting fhall be held, the fame not being lefs than twenty-one days after fuch notice given in the faid papers, and which notice fhall be continued in the faid papers until fuch meeting fhall be held; and it fhall be lawful for fuch manufacturers, then prefent at fuch general meeting, called and held in manner aforefaid, to elect, nominate, and appoint a committee, confifting of the fame number of perfons, and in the like manner, and under and fubject to the like orders, regulations, and directions as is and are herein-before laid down and ordered for the election of the firft committee; and the perfons fo elected, nominated, and appointed to be a new committee in manner aforefaid, fhall thereupon be invefted with the fame powers and authorities as the former committee were invefted with.

IX. *And, for preventing frauds and abufes for the future by perfons employed in the faid manufactures of combing wool, worfted yarn, and goods made from worfted, and for the more effectual carrying this act into execution,* be it further enacted, That the juftices of the peace for the faid counties, and the *Iſle of Ely* refpectively, at their next quarter feffions of the peace to be holden for the faid counties, and the faid *Iſle of Ely* refpectively, or any adjournment thereof, after *Michaelmas* next after the paſſing of this act, or in cafe of no adjournment, then any two juftices fhall and may, and they are hereby authorized and required to license and appoint fuch perfons of good character and repute, within the aforefaid counties, and the *Iſle of Ely*, as fhall be recommended to the faid juftices by the faid committee of manufacturers, in writing under their hands, to be infpectors of worfted yarn within the faid counties, and the *Iſle of Ely*.

Juftices to appoint infpectors of yarn.

X. And be it further enacted, That the faid committee of manufacturers for the time being fhall and may, and they are hereby authorized to ftation fuch infpectors for fuch diftricts in the faid counties, and the *Iſle of Ely*, as the faid committee fhall think proper, and fhall and may affign, allow, and pay to the faid infpectors fo appointed, fuch yearly falaries as the faid committee fhall think proper, to be paid out of the fund herein-after mentioned to be raifed for that and the other purpoſes of this act, and alfo fhall and may remove, diſmiſs, and diſplace any of fuch infpectors, who by ficknefs, or any other accident, fhall be rendered incapable of ſerving the faid office, or fhall miſbehave, or not conduct himſelf or themſelves to the ſatisfaction of fuch committee.

Committee to ftation infpectors, and allow them falaries.

Inspectors to use diligence in convicting and bringing offenders to justice :

their power.

Directions how worsted yarn shall be reeled.

Bedfordshire.

Huntingdonshire.

Northamptonshire.

XI. And be it further enacted, That the said inspectors for the time being, so appointed, shall severally and respectively, in the several districts allotted to them by the said committee, use all due diligence and industry for the convicting and bringing to justice all offenders against this and the said former acts, and also shall and do from time to time, and as often as they shall be thereto required by the said committee, inspect the several reels of all and every the spinners of worsted yarn in their several and respective districts within the said counties, and the *Isle of Ely*, and also the hanks of worsted yarn, in order to see that the directions herein-after laid down for reeling such yarn be complied with; and also shall and do, from time to time, when and as they, or any of them, shall detect any person or persons offending against this, or the said former acts, lodge informations against such offender or offenders before any justice or justices of the peace for the county or place where such offence shall be committed, and prosecute such offender or offenders to conviction: and it shall be lawful for every such inspector, from time to time, as occasion shall require, to inspect the yarn in the custody of any manufacturer or putter-out of wool, or of any agent or agents hired or employed by him, or of any spinner of such wool or worsted yarn, within the said counties, and the *Isle of Ely*; and in case any such person shall refuse to shew and produce the yarn in his custody, he shall forfeit and pay such sum of money, not exceeding ten pounds, nor less than five pounds, if a manufacturer or putter-out of wool, or an agent or agents, or person or persons hired or employed to put out wool; and if a spinner or spinners, then a sum not exceeding twenty shillings, nor less than five shillings, as such justice or justices before whom he, she, or they shall be convicted, shall think proper, to be recovered and applied as herein-after mentioned.

XII. And be it further enacted, That every person or persons employed or undertaking to spin or reel worsted yarn for hire in the said counties, and the *Isle of Ely*, shall reel, or cause or procure the same to be reeled, either upon a yard reel of thirty-six inches, or a seven quarter reel of sixty-three inches, or a two yard reel of seventy-two inches round; and when such worsted yarn shall be so reeled, each and every several hank or skain of such worsted yarn which shall be so reeled shall consist of or contain such a number of raps or leas, each and every of which raps or leas consisting of or containing eighty threads of such worsted yarn, as is herein-after specified; (that is to say,) the worsted yarn spun in the county of *Bedford* shall be six or seven leas reeled on the yard reel, and six leas reeled on the seven quarter reel, and six leas reeled on the eight quarter, or two yard reel, according to the custom of that county: the worsted yarn spun in the county of *Huntingdon* shall be six or seven leas reeled upon the yard reel, and six leas reeled on the seven quarter reel, and six leas reeled on the eight quarter, or two yard reel, according to the custom of that county: the worsted yarn spun in the county of *Northampton* shall

shall be fix or feven leas to the skain, reeled on the yard reel, according to the cuftom of that county: the worfted yarn spun in the county of *Leicefter* shall be fix or feven leas reeled upon the yard reel, according to the cuftom of that county: the worfted yarn spun in the county of *Rutland* shall be fix or feven leas reeled upon the yard reel, according to the cuftom of that county: the worfted yarn spun in the county of *Lincoln* shall be feven leas, reeled upon the yard reel, or two yard reel: and the worfted yard spun in the *Iſle of Ely* shall be feven leas reeled upon the yard reel, and fix leas reeled on the feven quarter reel, and fix leas reeled on the eight quarter, or two yard reel.

Leicefter-
ſhire.

Rutlandſhire.

Lincolnſhire.

Iſle of Ely.

XIII. And be it further enacted, That all perfons employed to put out wool for ſpinning, ſhall confine themſelves either to fix or feven lead yarn, but ſhall by no means put out both from the ſame place, nor ſhall any ſuch perſon or perfons take in, or have in his poſſeſſion at one or the ſame time, the wool or yarn belonging to more than one manufacturer; and that every perſon or perfons who ſhall put out wool, or take in yarn, otherwiſe than as above ſpecified, ſhall pay forty ſhillings, upon conviction of ſuch offence by the oath (or, if the witneſs be of the people called *Quakers*, ſolemn affirmation) of one witneſs, which penalty ſhall be paid into the hands of the neareſt inſpector, and ſhall be levied by warrant under the hand and ſeal of the juſtice before whom ſuch offender ſhall be convicted, for the benefit of the perfons intereſted in the fund herein-after directed to be eſtabliſhed; and that the ſaid committee may and ſhall give inſtructions to the ſpinners, or agents employed to put out wool for ſpinning, that every hank or ſkain ſhall be the work of one ſpinner only; and that if any perſon ſhall be ſuſpected of having mixed the work of two or more ſpinners in one hank, and it ſhall be made appear before one juſtice of the peace, by the oath (or, if the inſpector is of the people called *Quakers*, by the ſolemn affirmation) of the inſpector, that in his opinion the ſuſpected hank or hanks is or are of ſuch different degrees of fineneſs as will be prejudicial to the ſaid manufacturers, then, and in ſuch caſe, it ſhall be lawful for the ſaid juſtice to convict the perſon who ſhall have delivered in the ſaid hank or hanks of having mixed the ſame as aforeſaid, and ſuch perſon, for every ſuch hank, ſhall forfeit the ſum of ſixpence; and if a pound of yarn, more or leſs, be wrapt about with a ſkain of yarn, it ſhall be equal in goodneſs, and contain the ſame number of leas as the hanks in the pound or pounds are directed to be; and that the leas be divided in manner following; (that is to ſay,) three double leas and a ſingle lea for the ſeven leas, and three double leas for the fix lead yarn: provided always, That every ſpinner to whom any wool or yarn ſhall be put out by any manufacturer, who ſhall keep the ſame in his or her cuſtody more than four months before it is wrought or delivered back to ſuch manufacturer, or his agent, ſhall be deemed guilty of embezzling the ſame.

General re-
gulations for
putting out
wool for
ſpinning, etc.

XIV. And be it further enacted, That if any perſon or perſons,

Penalties on
false reeling
of worsted
yarn.

sons, hired or employed in the combing of wool, or in the spinning, reeling, winding, or weaving of worsted yarn, or in the preparing or working up any of the materials used in the said manufactures, in the said counties, or the *Isle of Ely*, shall reel, or cause to be reeled, or tie up, or cause to be tied up, any worsted yarn, contrary to the directions before specified and laid down for the reeling and tying up such yarn, or shall conceal, keep back, embezzle, sell, or otherwise dispose of any wool, or other materials intrusted with him, her, or them, to spin, or for other purposes, and shall of all or any of such several offences be lawfully convicted, before any one or more justice or justices of the peace for the county, liberty, division, city, town, or place, where such offence or offences shall be committed, upon the oath (or, if the owner thereof be of the people called *Quakers*, solemn affirmation) of the owner of such yarn or wool, or upon the oath or affirmation as aforesaid of the inspector or inspectors appointed as aforesaid, or of any one or more credible witness or witnesses, (which oath or affirmation such justice or justices is and are hereby impowered and required to administer,) or by the confession of the person or persons charged with all or any of such offences, every such person shall, for each and every such offence, be subject and liable to the same penalties and punishments as are severally inflicted by the said former acts, so far as the said former acts, or any of them, are unrepealed; all which penalties shall be recovered, and punishments inflicted, in the manner directed by the said acts, or any of them, and which said penalties shall be publickly distributed, by the constable of the township, parish, or place, where such offence or offences shall be committed, in the presence and under the direction of the said inspector or inspectors, amongst the poor of such township, parish, or place.

Prosecutors
not liable to
charges of
conveying
offenders to
prison.

XV. Provided always, That nothing in this act contained shall extend, or be construed to extend, to the subjecting any prosecutor or prosecutors of any offender or offenders against this, and the said former acts, to any charges or expences of conveying such offender or offenders to prison; but such charges and expences shall be paid and borne by the constable or other officer conveying such offender or offenders to prison, and such constable or other officer shall be reimbursed and repaid such charges and expences, in like manner as he is reimbursed and repaid any other charges or expences incurred in his said office.

No part of
penalties to
be given to
offenders or
their families.
Penalty on
agents re-
fusing to dis-
cover persons

XVI. Provided nevertheless, That no part or share of such penalties or forfeitures be given to such offender or offenders, his, her, or their family or families.

XVII. And be it further enacted, That if any agent or person hired or employed to put out wool to be spun into worsted yarn, shall have in his or her custody or possession any worsted yarn not reeled according to the directions herein-before specified and laid down for the reeling thereof, and shall refuse, or

not

not fet forth and give in evidence, before any of his Majesty's justices of the peace for the county, liberty, division, city, town, or place, wherein such agent or person shall reside, being there-to required, what person or persons was or were the reeler or reelers of such false or short yarn, or who was or were hired or employed to reel the fame, so that the person or persons who reeled or caused to be reeled such false or short yarn may be lawfully convicted thereof in manner aforefaid, he, ſhe, or they, ſo refuſing, or not ſetting forth, or giving in evidence as aforeſaid, and being thereof lawfully convicted, upon the oath of any perſon or perſons, before any ſuch juſtice or juſtices of the peace, ſhall forfeit and pay the ſum of five ſhillings for every parcel of yarn made up as and for a pound, ſo false and ſhort reeled, which ſhall be found in his or her cuſtody; all which penalties, inflicted by this act, ſhall be recovered in the ſame manner as the penalties inflicted by the ſaid former acts are directed to be recovered, and ſhall go, be paid, and applied by every ſuch perſon, and in ſuch manner and form, to the poor of the township or place, as the penalties herein-before mentioned are directed to be paid and applied.

XVIII. *And forasmuch as doubts have ariſen, whether the goods and chattels of a husband, whoſe wife ſhall offend againſt the ſaid former acts, are liable to diſtreſs and ſale for raiſing the penalties thereby created;* be it therefore further enacted, That, from and after the paſſing this act, all ſuch penalties as ſhall be incurred by any married woman or married women ſhall and may be recovered, levied, and raiſed, by diſtreſs and ſale of the goods and chattels of the husband or husbands of ſuch married woman or women ſo offending againſt this act, in the manner directed by the ſaid former acts, or any of them.

Goods of husbands, whoſe wives offend, liable to diſtreſs and ſale.

XIX. Provided always, and be it further enacted, That if any perſon who ſhall be ſo appointed an inſpector of worſted yarn ſhall happen to die, or ſhall be removed or diſplaced from his ſaid office, it ſhall be lawful for the juſtices of the peace of the ſaid counties, or the *Iſle of Ely* reſpectively, in quarter ſeſſions aſſembled, or in any adjournment thereof, to license ſome other proper perſon or perſons to be an inſpector or inſpectors of worſted yarn within the ſaid counties, and the *Iſle of Ely*, upon the recommendation of the committee men, or the majority of them, reſiding in ſuch county, or the *Iſle of Ely*, within which the inſpector or inſpectors, ſo dying, removed, or diſplaced, ſhall have acted; which ſaid perſon or perſons ſhall be inveſted with all the powers, and ſubject to the like removal, and liable to the like penalties for any breach or neglect of duty, as the inſpector or inſpectors in whoſe place or places he or they ſhall be appointed to ſucceed, was or were inveſted with, or ſubject or liable to.

Upon the death of inſpectors, others to be appointed.

XX. And be it further enacted, That in caſe any inſpector or inſpectors, ſo appointed as aforeſaid, ſhall at any time or times hereafter take or receive, from any perſon or perſons offending againſt this or the ſaid former acts, any ſum or ſums of money,

Punishment of inſpectors ſcreening offenders from juſtice.

money, or any other thing whatsoever, to screen from justice, or otherwise to hinder or prevent such person or persons, so offending as aforesaid, from being convicted for such offence or offences, and being thereof convicted upon oath (or, if the witness be of the people called *Quakers*, solemn affirmation) of two or more credible witnesses, before any one or more justice or justices of the peace of the county, liberty, division, city, town, or place where such offence shall be committed (which oath or affirmation such justice or justices is and are hereby empowered to administer), then, and in such case, it shall be lawful for such justice or justices of the peace to commit such inspector or inspectors, so offending, to the house of correction, or other publick prison, in the county, division, liberty, city, town, or place, where such offence shall be committed, for the space of one month.

XXI. *And whereas, by several acts of parliament made in the tenth and twelfth years of the reign of Queen Anne, and several subsequent acts, the collectors of the duties upon soap, by the said acts granted, are directed to pay out of the monies in their hands, by way of drawback, unto any person or persons who should employ any quantity of soap in the making of any manufacture whereof the greatest part of the value of the materials should be wool, or in preparing the wool for the same, the duties upon the soap so spent and consumed as aforesaid; and to the end that a sufficient fund may be raised for defraying the expences in and about obtaining this act, and for paying the salaries of the inspectors, and clerk or clerks to be appointed under and by virtue and for the purposes of this act, as aforesaid, and all other necessary expences attending the carrying this act into execution, under the direction of the said committee, be it further enacted,*

Fund to be established for defraying the expences of the execution of this act.

That it shall and may be lawful to and for all and every the collector or collectors, supervisor or supervisors, or other person or persons employed in the collection of the duties on soap within the counties aforesaid, and the said *Isle of Ely*, and who by the said acts are directed to pay such drawback of the duties on soap to such manufacturers as aforesaid, and such collector or collectors, supervisor or supervisors, or other person or persons, is and are hereby required from time to time to deduct and retain the sum of four-pence out of every shilling, to which any person, being a master manufacturer of combing wool, worsted yarn, or goods made from worsted, residing within the counties aforesaid, or the *Isle of Ely*, shall from time to time hereafter be entitled, and of which he, she, or they shall demand payment under or by virtue of the said acts, or any other act or acts of parliament whatsoever, as and for the duties of and for all soap spent, employed, and consumed in the combing of wool, making of worsted yarn, or any kind of goods made from worsted, or preparing the wool for the same, in the said counties, and the *Isle of Ely*; and such collector or collectors, supervisor or supervisors, or other person or persons, and each and every of them, shall severally and respectively pay, or cause to be paid, into the hands of the treasurer or treasurers appointed

appointed by the faid committee, at their quarterly meeting (demand being made thereof), all and every the fum or fums of money by him, them, or any of them, fo deducted, retained, had, or received, under and by virtue, and for the purpofes of this act, fuch treafurer or treafurers giving fecurity, to the fatisfaction of the faid committee, for all fums fo received by him or them.

XXII. Provided nevertheless, That the drawback of the duties on all foap which fhall be fpent, employed, or confumed within the faid county of *Leicefter*, in preparing and combing of wool, and making of worfted yarn, ufed in the stocking-weaving manufacture, and in fitting wove stockings for fale, fhall, upon oath, (or, if the perfon be of the people called *Quakers*, folemn affirmation) being firft made, that the foap was fpent, employed, and confumed in the faid stocking-weaving manufactory, be entirely exempted from the above-mentioned deduction; which oath or affirmation any juftice of the peace is hereby impowered to adminifter.

Drawback on foap ufed in the stocking manufacture in Leicefterfhire exempt from the deduction.

XXIII. Provided alfo, That the faid committee may and fhall repay all manufacturers of haroteens that make their own yarn, within the county of *Northampton*, whofe rate of fpinning does not exceed ten skains or hanks in a pound on the average, fix leas to the hank or skain on the yard reel, half of the money which fhall have by them been paid out of their drawback on foap the preceding year, fuch manufacturers certifying the fame to the faid committee on oath (or, if the perfon be of the people called *Quakers*, folemn affirmation), which oath or affirmation any juftice of the peace is hereby impowered to adminifter; but if a manufacturer makes any other fort of goods befides haroteens, or any other fort of yarn befides that which is ufed in the manufacturing of haroteens, he fhall be fubject to the fame drawback or deduction, out of his drawback, as any other maker of worfted yarn.

Power to repay manufacturers of haroteens in Northamptonfhire part of the money paid out of their drawbacks.

XXIV. And be it further enacted, That the faid treafurer or treafurers for the time being fhall, out of the money hereafter to be received by him or them in manner aforefaid, pay the charges and expences of obtaining and paffing this act, and the expences relative thereto, together with intereft for all or any part of fuch expences, the falaries of the inspectors and clerk herein-before directed to be appointed, the expences of all prosecutions in fupport of this, and the faid former acts, and fuch other charges and expences as may be hereafter incurred or expended for the fupport and encouragement of the faid manufacture, as the faid committee, in committee afsembled, fhall, by writing under their hands, direct or appoint; and the faid treafurer or treafurers is or are alfo hereby required not to pay any fum or fums of money, to be hereafter received by him or them for the purpofes of this act, in manner aforefaid, to any perfon or perfons whomfoever, or for any purpofes whatfoever, without fuch order, direction, or appointment in writing, under the hands of fuch committee for the time being, in committee afsembled;

The treafurers to repay the charges of this act out of monies to be received.

affembled; and fuch treafurer or treafurers fhall lay their account before the faid committee for examination whenever they may require the fame, and fhall return and tranfmit to fuch committee a true and perfect account of all and every the fum or fums of money which fhall have come to his or their hands, or been paid by him or them, from time to time, as often as the faid committee fhall require the fame.

The rate of 4d. in the fhilling may be increafed or reduced.

XXV. And it is hereby further enacted, That in cafe, at any time hereafter, the monies herein-before directed and ordered to be paid into the hands of the treafurer or treafurers for the purpofes aforefaid, fhall, after payment of all and every the charges and expences herein-before ordered and directed to be paid thereout, amount to the fum of two hundred pounds only, then, and in fuch cafe, it fhall be lawful for the faid committee, by writing under their hands, to make orders for increafing the aforefaid four-pence *per* fhilling, which the collectors and fupervifors of excife are herein-before directed to retain in their hands, to any fum not exceeding fixpence in the fhilling, as they may think neceffary, until the fund fhall amount to five hundred pounds; and from time to time, upon like application, reduce the fame to three-pence, two-pence, or one penny, fo as the fund in the treafurer or treafurers hands fhall not exceed five hundred pounds, nor be reduced to lefs than two hundred pounds, and fo as the fame fhall not exceed the rate, proportion, or fum of fixpence *per* fhilling, herein-before directed to be deducted and retained as aforefaid.

Water mill spinning machines not to be fubject to the provifions of the act.

XXVI. *And whereas it is found inconvenient to fubject certain machines, wherein worfted yarn is spun by means of a water mill, to the entrance of an infpector or infpectors;* be it therefore enacted, That all fuch machines fhall be exempted from the feveral provifions of this act, and that no order of any of the aforefaid committees fhall have power to extend to the drawback allowed on soap ufed in the wafhing of wool to be spun in the faid machines: provided that all perfons poffeffed of any fuch machines, who fhall alfo give out wool to be spun by hand, fhall caufe the wool intended for fpinning by hand to be wafhed in fome place or places different and diftant from that whereat they fhall wafh the wool for any fuch machine, and fhall from time to time exhibit to the collectors or fupervifors of his Majefty's excife, and to the committee aforefaid, if required, a feparate account of the wool wafhed in each place, and intended for each purpofe herein mentioned, which account fhall be verified upon oath (or, if the owner or owners be of the people called *Quakers*, folemn affirmation) of the owner or owners, conductor or conductors of fuch machines, which oath or affirmation any juftice of the peace is hereby impowered to adminifter.

Members of the committee within each county, or the Ifle of Ely, may ap-

XXVII. Provided always, and be it further enacted, That it fhall be lawful for fuch of the members of the faid committee as fhall be appointed for, or refide within any of the faid counties refpectively, or the faid *Ifle of Ely*, or the majority of them, and they are hereby refpectively authorized and impowered from time

time to time, whenever they shall judge necessary, to appoint such number of persons to be additional inspectors within and for their respective counties, or the *Isle of Ely* (the charges and expences attending such appointment to be paid and defrayed out of the money subscribed or to be subscribed, as herein-after mentioned), and also to make such regulations, and do such acts, matters, and things, as they shall think proper for carrying the purposes of this act into execution within, and so far only as relates to their respective counties, or the said *Isle of Ely* (except the removing of inspectors to be nominated by the said committee); and all such additional inspectors so to be appointed (being approved of by the justices of the peace for such respective counties, or the *Isle of Ely*, but not otherwise), shall have the same powers and authorities of acting as inspectors within such respective counties, or the *Isle of Ely*, for or in respect of which they shall be appointed, as are herein-before given to the inspectors which shall have been nominated by the said committee in pursuance of this act; and that all such regulations, acts, matters, and things, so to be made as aforesaid, shall be as valid and effectual as if the same had been made or done by the said committee, until the next quarterly meeting of the said committee, at which quarterly meeting a report shall be made of such regulations, acts, matters, and things, and the said committee, at such quarterly meeting, shall, and are hereby required to take such report into consideration, and to allow and confirm, or disallow and set aside, or to vary and alter such report, and the several regulations, acts, matters, and things, therein mentioned, or any part or parts thereof, in such manner as they shall think proper, any thing in this act to the contrary hereof notwithstanding: provided, that nothing herein contained shall extend, or be construed to extend, to the appointment of any additional inspectors, or to any regulation, act, matter, or thing, to be made by such members of the said committee as shall be appointed for any of the said counties respectively, or the said *Isle of Ely*, or the majority of them, in respect to the management of the private subscription fund within any such county, or the *Isle of Ely*, as herein-after mentioned.

XXVIII. *And whereas some persons who are not manufacturers of combing wool, worsted yarn, and goods made from worsted, may have already subscribed, or may hereafter subscribe money for encouraging the said manufacture within their respective counties, or within the said Isle of Ely, be it therefore enacted, That all money which hath been or shall hereafter be subscribed by any person or persons, not being a manufacturer or manufacturers as aforesaid, for or towards encouraging the said manufacture within any of the said counties, or the said Isle of Ely, shall be paid to such person as shall be appointed to receive the same, by such of the members of the said committee as shall be appointed for, or reside within such county, or the said Isle of Ely; and it shall be lawful for such members of the said committee, so acting for, or residing within such county, or the Isle of Ely, and they*

point additional inspectors, and make regulations.

Application of money subscribed by persons not being manufacturers.

they are hereby authorized and impowered to apply and difpofe of fuch money in paying and making proper falaries or allowances to any additional infpectors whom they may think fit to appoint as aforefaid, for fuch county, or the *Iſle of Ely*, and for encouraging the faid manufacture within fuch county, or the faid *Iſle of Ely*, in fuch manner as they ſhall, from time to time, think proper, and to or for no other ufe or purpoſe whatſoever; any thing herein-before contained to the contrary hereof notwithstanding.

XXIX. *And whereas the county of Lincoln conſiſts of three ſeveral parts or diviſions; (videlicet), Lindſey, Holland, and Keſt-even, be it therefore enacted, That the ſeveral powers veſted in and by this act in the juſtices of the peace for the reſpective counties included in this act, ſhall be conſtrued and taken, as to the ſaid county of Lincoln, and the city and county of the city of Lincoln, to be veſted in the juſtices of the peace for the ſouthern diviſion of the parts of Lindſey, within the ſaid county.*

XXX. *And be it further enacted, That the juſtice or juſtices before whom any offender ſhall be convicted as aforefaid, ſhall cauſe the conviction to be made out in manner and form following; (that is to ſay),*

Juſtices for ſouthern diviſion of Lindſey to act for Lincolnſhire.

Form of conviction.

BE it remembered, That on the _____ day of _____ in the year of our Lord _____ A. B. is convicted before me [or us] _____ of his Majesty's juſtices of the peace for [ſpecifying the offence, and the place where the ſame was committed; and alſo ſpecifying that it was the *firſt, ſecond, or third offence, againſt this act, as the caſe ſhall be*].

Given under my hand and ſeal, [or our hands and ſeals], the _____ day and year aforeſaid.

Which conviction the ſaid juſtice or juſtices ſhall cauſe to be fairly written on parchment, and returned to the next general quarter ſeſſions of the peace for the county, city, liberty, diviſion, town, or place, where ſuch conviction ſhall be made, to be filed by the clerk of the peace, and remain and be kept amongſt the records of ſuch county, city, liberty, diviſion, town, or place as aforeſaid.

Persons aggrieved may appeal to the quarter ſeſſions.

XXXI. *And be it further enacted, That if any perſon or perſons ſhall find him, her, or themſelves aggrieved by any order or warrant made by any juſtice or juſtices of the peace, or upon any conviction before him or them, in purſuance of this act, ſuch perſon or perſons may appeal to the next general quarter ſeſſions to be held for the county, diviſion, city, liberty, town, or place, where the offence ſhall be committed, which ſhall not be held within fourteen days after the cauſe of appeal ſhall ariſe, giving ten days notice of ſuch appeal to the perſon or perſons diſcovering the offence on which the conviction was made; and if the juſtices at the ſaid quarter ſeſſions either confirm or diſannul*

annul the order or proceedings of the ſaid juſtice or juſtices, they ſhall allow ſuch coſts and charges to the party aggrieved thereby as they ſhall think reaſonable, to be levied and paid in ſuch manner as is uſual in caſes of appeal from any order of the juſtices of the peace to the ſeſſions, whoſe order therein ſhall be final.

XXXII. Provided nevertheless, That the perſon or perſons appealing to ſuch quarter ſeſſions of the peace as aforeſaid ſhall give ſecurity, to the ſatisfaction of the ſaid juſtice or juſtices, to proſecute ſuch appeal with effect, and to pay the coſts which ſhall be aſcertained by the ſaid quarter ſeſſions, in caſe ſuch order or judgement be affirmed; and the juſtices in the ſaid quarter ſeſſions are hereby authoriſed to hear and determine ſuch appeal, and to make ſuch order therein, and to award ſuch coſts, as to them ſhall appear juſt; which order ſhall be final and concluſive to all parties, and ſhall not be removed or removeable, by any writ of *certiorari*, or otherwiſe, into any of his Majeſty's courts of record at *Weſtminſter*, or elſewhere.

Perſons appealing to give ſecurity to proſecute.

Orders to be final.

XXXIII. Provided nevertheless, and be it further enacted, That no order or other proceedings ſo made or had by or before any juſtice or juſtices of the peace, in relation to the premiſes, ſhall be quaſhed or vacated for want of form only.

Proviſo.

XXXIV. And be it further enacted, That if any ſuit or action ſhall be commenced or proſecuted againſt any perſon or perſons, for any thing done in purſuance of this act, every ſuch ſuit or action ſhall be commenced within ſix calendar months next after the fact committed, and not afterwards, and ſhall be ſeverally laid, brought, and tried in the county or place wherein the cauſe of action ſhall have ariſen, and not elſewhere; and the defendant or defendants in every ſuch ſuit or action ſhall and may plead the general iſſue, and give this act, and the ſpecial matter, in evidence at any trial to be had thereupon, and that the ſame was done in purſuance of, and by the authority of this act: and if it ſhall appear to be ſo done, or if any ſuch ſuit or action ſhall be brought after the time before limited for bringing the ſame, or ſhall be brought in any other county or place than as aforeſaid, then the jury ſhall find for the defendant or defendants; and upon ſuch verdict, or if the plaintiff or plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their action after the defendant or defendants ſhall have appeared, or if upon demurrer judgement ſhall be given againſt the plaintiff or plaintiffs, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame as any defendant or defendants hath or have for coſts in other caſes at law.

Limitation of actions.

General iſſue.

Treble coſts.

XXXV. And be it further enacted, That the city and county of the city of *Lincoln* ſhall, for the purpoſes of this act only, be deemed and taken to be part of the county of *Lincoln*, and to be within the parts of *Lindſey*, in the ſaid county.

City of Lincoln to be deemed part of the county.

XXXVI. And be it further enacted, That this act ſhall be deemed, adjudged, and taken to be a publick act; and ſhall be judicially

Publick act.

judicially

Anno vicefimo quinto GEORGII III. C. 41. [1785.
judicially taken notice of as fuch by all judges, justices, and
other perfons whomsoever, without fpecially pleading the fame.

C A P. XLI.

An act to repeal part of an act, paffed in the fixth year of his prefent Majesty, "for the relief and employment of the poor of the parifh of Richmond, in the county of Surrey, and other purpofes in the faid act mentioned;" and for making new provifions for the relief and employment of the poor, for the repairs of the highways, the paving, cleaning, lighting, and watching the ftreets, and other places, in the town and parifh of Richmond aforefaid; for the removal and prevention of annoyances, obftructions, and encroachments therein; for inclofing certain commons or wafte lands within the faid parifh, for the ufe of the poor; and to enable the veftrymen of the faid parifh to erect a workhoufe thereon; and to purchafe land for a burial ground; and alfo to enable his Majesty to fhut up a lane within the faid parifh, called Love Lane.

Act 6 Geo. 3. c. 72. recited; fo much thereof as relates to the relief and employment of the poor, the repairing the highways, paving, cleaning, lighting, and watching the ftreets, and other places, in the town and parifh of Richmond, and alfo fo much thereof, as provides for the removal and prevention of annoyances, obftructions, and encroachments therein, is repealed. Thirty-one veftrymen appointed, together with the minifter and churchwardens, and fuch acting justices as fhall refide in the parifh of Richmond. Veftrymen to meet for the purpofe of putting the act in execution, and to bear their own expences, on notice by five veftrymen. Inhabitants impowered to meet and elect other veftrymen, in cafe of death, or removal. Veftrymen to occupy 20l. per annum. Electors, for fix months before, to occupy an houfe charged to the poor at 12l. per ann. and to pay all arrears before voting. Perfons having acted under the act of 6 Geo. 3. to render to the veftrymen a juft account of all monies received, and to pay the fame to them, and to deliver books, papers, and writings, upon pain of imprifonment, till compofition made with eleven veftrymen. Veftrymen impowered to make bye-laws; to be confirmed afterwards at a meeting of thirteen or more. Veftrymen to take an oath of office to act impartially, to be adminiftered by five or more veftrymen. Penalty upon veftrymen providing goods, &c. or being concerned in any contract under this act, 50l. a moiety to the informer, the other to the poor. Perfons felling fpirituous liquors by retail, not to be veftrymen. Veftrymen to contract with perfons (for repairing, etc.) who are moft capable of executing their contracts, without the aid of fub-contractors. Proceedings of the veftrymen to be entered in proper books. No bufinefs to be done but at a publick meeting. Five veftrymen fufficient to conftitute a meeting. Veftry to meet annually, to appoint a veftry-clerk and the officers of the parifh. Churchwardens to pay all money they fhall receive to the treafurer. Sidesmen to be elected annually. Sidesmen not to be veftrymen in right of their office. Veftrymen to elect proper perfons to be overfeers. Overfeers refufing to act, others to be appointed. Fine for refufal to ferve, when chofen as overfeer, 10l. Veftrymen to appoint a furveyor of the highways, and to give directions for repairing the highways, and other places. If the furveyor fhould die, or neglect his duty, another to be appointed. Proper perfons to be chofen to collect the rates. Allowance to collectors 3d. in the pound. Collectors to give fecurity, and to deliver in their accounts when required; and in cafe of failure, may be imprifoned, etc. until the balance paid. A treafurer to be chofen annually, and to give fecurity. Pound rates to be made for the relief of the poor, and for repairing the highways, etc. Poor's rate fo much as thirteen veftrymen fhall judge neceffary. Highway rate not to exceed 1s. 6d. in the pound. Rates to be paid quarterly. Sums affeigned to be entered in books. Landlords of ready furnifhed houfes, to pay the

the rates of fuch houfes. Veftrymen to fign the poor rates, and the fame to be allowed by juftices. Veftrymen may compound with the occupiers or owners of houfes under 10l. per annum. A juftice may act in his office, although a veftryman, and inhabitants may be witneffes. Rates to be recovered by diftreffs and fale of goods and chattels. Veftrymen to appoint what number of watchmen they think fit, and in cafe of death, or mifbehaviour, to engage others. The watchmen are impowered to apprehend all malefactors and diforderly perfons, and to deliver them to the conftables, &c. Veftrymen to regulate the number of lamps, and contract for lighting them. Perfons breaking lamps to be fined 40 s. and to be imprifoned till paid. Veftrymen to contract for repairing and cleaning the ftreets, &c. and may bring actions againft contractors, not fulfilling their contracts, and recover penalties. No afhes, dirt, &c. to be thrown before any dwelling houfe, or in any publick place. Perfons who fuffer their fwine to go at large, or create nuiſances; to forfeit 40 s. Owners of waterworks taking up the pavement, to repair the fame, and on neglect thereof, the veftrymen to do fuch repairs, and recover the expences by diftreffs. Expences of watching, lighting, &c. to be paid out of the rate. The prefent workhoufe out of repair, and the leafe thereof near expiring. Veftrymen empowered to erect and build a workhoufe upon part of the commons to be enclosed by virtue of this act. Veftrymen empowered to purchafe a burial ground within the parifh. Fourteen days notice of meeting for contracts, to be given, by advertifement, &c. Property of goods, &c. for the ufe of the poor in the workhoufe, veſted in the veftrymen, who are authorized to profecute all perfons who ſhall embezzle any of the ſaid goods, etc. Indictments and actions to be laid and brought in the name of the treaſurer. Veftrymen impowered to borrow money, if requiſite, not exceeding 3000l. Money borrowed, to be paid off, but not more than 500l. at a time, out of the rates. Bonds to be diſcharged by lot. Securities for money to be entered in a book; and may be aſſigned. Securities for money already borrowed not to be altered or impeached. Vagrants and perfons neglecting or deſerting their families; etc. to be apprehended and ſent to the workhoufe, and to be ſet to labour therein, and their earnings to defray the expences, for ſupport of their families. Vagrants to be ſent to the workhoufe, and kept to labour. Offenders may be puniſhed by abſtinence, and cloſe confinement. Officers employed by the veſtry, who ſhall purloin, etc. to be diſcharged, and alſo to forfeit treble the value of the goods embezzled, to be levied by diftreffs and ſale of goods; and for want thereof, may be imprifoned for three, and not leſs than one month. Veftrymen to cauſe the poor in the workhoufe to be maintained and employed. Money ariſing from work done there, to be applied in aid of the poor's rate. Perfons refuſing to work, miſbehaving, and not acting conſiſtent with the rules of the houſe, ſhall be puniſhed, by abſtinence and confinement, at the diſcretion of the veftrymen, etc. Encouragement for thoſe deſerving of the ſame. Overſeers and conſtables to aid and aſſiſt the veftrymen, and obey their warrants, etc. and on neglect or refusal, penalty 5l. to be levied by diftreffs. May appeal to the quarter ſeſſions. Caſual poor to be relieved by a perſon appointed by the veſtry. State and circumſtances of caſual poor, ſo relieved, to be laid before the veftrymen, at the next general meeting. Churchwardens, ſideſmen, and overſeers, to be refrained from relieving the caſual poor. Churchwardens and ſideſmen to viſit the workhoufe, and report the ſtate thereof to the veſtry. Forfeitures and penalties to be paid to the treaſurer, and applied to the purpoſes of this act. Penalties and forfeitures to be recovered by diftreffs or imprifonment, etc. as above. How juſtices to proceed for conviction of offenders. Form of conviction. Two commons, or pieces of waſte ground, called the Peſthouſe Common, and the Hill Common. Their Majeſties willing to grant, and the perfons having a right of common deſirous to incloſe the commons. Their Majeſties, by writing under their hands, enabled to grant the commons to the veſtry. Veſtry enabled to incloſe the commons. No building to

be erected on the hill common. Grant of the commons to be entered on the court rolls. Poor of the parish of Kew to be received into the workhouse to be built at Richmond. Kew poor to be used like Richmond poor. Minister, &c. of Kew, have power to examine the state of their poor received into the workhouse. His Majesty enabled to shut up Love Lane, from the freehold land of George Ross, esquire, at the south end of the said lane, to the highway leading from Kew-green to the river side. Persons aggrieved may appeal to the quarter sessions. Order of sessions to be final. Justices upon appeals may grant relief. Actions commenced in the name of the treasurer shall not abate in case of death, &c. Informers to be paid, at the discretion of the vestrymen. Proceedings not to be quashed for want of form, nor removed by certiorari. Distresses not to be deemed illegal for want of form, &c. Plaintiff shall not recover after notice, or after tender of amends. Limitation of actions not till ten days after tender of amends, and within two calendar months. General issue may be pleaded, and the defendant shall have treble costs if he recover, and to be a publick act.

C A P. XLII.

An act for vesting in Archibald earl of Dundonald, his executors, administrators, and assigns, the sole use and property of a method of extracting or making tar, pitch, essential oils, volatile alkali, mineral acids, salts, and cinders, from pit coal, throughout his Majesty's dominions, for a limited time.

Preamble.

His Majesty's letters patent granted to the earl of Dundonald.

WHEREAS his most excellent majesty King George the Third, by his letters patent under the great seal of Great Britain, bearing date at Westminster, the thirtieth day of April, in the twenty-first year of his reign, did give and grant unto Archibald earl of Dundonald, his executors, administrators, and assigns, his especial licence, sole power, privilege, and authority, of making, using, exercising, and vending, within that part of his Majesty's kingdom of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, his invention of a method of extracting or making tar, pitch, essential oils, volatile alkali, mineral acids, salts, and cinders, from pit coal, for the term of fourteen years, with a proviso, obliging the said Archibald earl of Dundonald, by writing under his hand and seal, to cause a particular description of the nature of the said invention to be inrolled in his Majesty's high court of chancery within four months after the date of the said recited letters patent: and whereas the said Archibald earl of Dundonald did, in pursuance of the said proviso, cause a particular description of the said invention to be inrolled in the high court of chancery upon the twentieth day of August, in the year one thousand seven hundred and eighty-one; which description is in the words and form, and to the effect following; that is to say: The method I have invented for the extracting of tar, pitch, essential oils, volatile alkalies, mineral acids, and salts, and the making of cinders, from pit coal, consists in admitting the external air to have a passage or passages through the vessels or buildings in which the coal, from which any of the above substances are to be distilled, is put, whether by itself, or along with lime stone, flints, iron ore, bricks, or any other substance, by which means the said coals, after being kindled, are enabled,

Specification of the method of extracting tar, pitch, etc. from pit coal.

by their own heat, and without the aſſiſtance of any other fire, to throw off, in diſtillation or vapour, the tar, oil, alkalies, acids, and ſalts they contain, into receivers or condenſing veſſels, communicating with the veſſels or buildings containing the coals, and at the ſame time of roaſting, calcining, or burning any ſubſtances that may be mixed with them; it appears to me neceſſary, leſt others encroach on my patent, to deſcribe, as above, the principal upon which I act, in as few words as poſſible, and in ſuch a manner as will admit of no ambiguity: therefore, according to what is above ſet forth and declared, perſons who ſhall extract tar, *etcetera*, from pit coals in veſſels or buildings, (it matters not their ſhape or ſize,) whereby the coals are made to burn or ignite, without flaming, by a regulated admiſſion of the external air through different apertures in the buildings, ſo as by their own heat to throw off the tar, oils, *etcetera*, that they may contain; perſons who do ſo, without my permiſſion, are deemed to encroach upon my patent; as the only method uſed or known until my new diſcovery, was a diſtillation of coal in cloſe veſſels, where the admiſſion of the external air was prevented; and whether other fuel or coals were required beſides the coals contained in the cloſe veſſel to produce the heat neceſſary to pervade the ſame, and to cauſe the coals contained therein to throw off the tar, oils, *etcetera*, that they contained. I do not think it any way of moment to ſubjoin any drawings of the buildings or kilns that may be uſed according to my new invention for the making of tar, *etcetera*, becauſe theſe buildings may be made either ſquare, circular, or oval, as fancy may direct, the art depending upon the management of the air admitted into the kilns, which can only be acquired by experience; and as it is by no means meant to keep the manufacture hid or concealed, thoſe who want to ſee the practical part will have an opportunity ſo to do at the different places where the manufacture is to be carried on. Exclusive of the above invention, for which only the patent has been obtained, I promote the condenſation of the leſs coercible part of the vapour that comes off in diſtillation, by commixing it with the ſteam of boiling water, and complete the condenſation by the means of cold water, either in contact with the vapour, or applied externally to the veſſels through which it paſſes; and by an admiſſion of the external air into the condenſing veſſels when needful, I alſo cauſe the vapour to paſs through more condenſing veſſels than one, to ſeparate by that means the different oils and ſubſtances, according to the different degrees of cold and moiſture requiſite to condenſe them; or occaſionally I follow the uſual and common modes in practice for condenſing the vapours thrown off from any ſubſtances by the action of heat: *And whereas his ſaid moſt excellent Majeſty, by his other let-*

ters patent under the ſeal appointed by the treaty of union to be kept and uſed in Scotland, in place of the great ſeal formerly uſed there, bearing date the twenty-ſeventh day of February, in the ſaid

His Majeſty's
letters patent
for Scotland
granted to the
earl of Dun-
donald.

twenty-ſiſt year of his reign, did grant the like licence, power,

privilege,

privilege, and authority, to the said Archibald earl of Dundonald, of making, using, exercising, and vending his said invention within that part of his Majesty's kingdom of Great Britain called Scotland, for the like term of fourteen years, with a proviso, obliging him, by writing under his hand and seal, to cause a particular description of the nature of the said invention to be inrolled in his Majesty's chancery in Scotland, within four months after the date of the said recited letters patent; in pursuance of which proviso the said Archibald earl of Dundonald did cause such description to be inrolled in the said chancery of Scotland upon the twenty-sixth day of June, in the said year one thousand seven hundred and eighty-one, in the same words and form, and to the same effect, as that hereinabove mentioned, as inrolled in the high court of chancery of England: and whereas, in the opinion of competent judges who have attended to the said Archibald earl of Dundonald's method, and examined and used the tar, pitch, and other extractions, the invention will be attended with the most beneficial consequences to the publick, the process being simple and easy, and the tar and pitch of a better quality for certain uses than what is generally made in foreign countries, and particularly useful in preserving ships bottoms from worms: and whereas the said Archibald earl of Dundonald spent much of his time, and was at a great expence in bringing his said invention to perfection before applying for the patents; and after he had procured them, his circumstances not permitting him to carry on the necessary works without the aid of others, the connections he formed with that view turned out unfortunately; so that hitherto, and when upwards of four years of the term are elapsed, he has reaped no benefit, but on the contrary, his paternal estate is involved in debt; and he is under engagements, by taking leases of coal mines and otherwise, which must be ruinous, unless the scheme is prosecuted with vigour by a large advance of money: and whereas the remainder of the short term of exclusive privilege, granted by the said recited patents, does not afford sufficient encouragement to people otherwise willing to support the said Archibald earl of Dundonald; and unless he is supported, the publick must be deprived of the benefit of the invention, while the privilege remains with him: to the end, therefore, That the said Archibald earl of Dundonald may be enabled and encouraged to prosecute and complete his said invention, and his property therein secured, not only within Great Britain, but in his Majesty's colonies and plantations in North America, so that the publick may reap all the advantages to be derived therefrom in their fullest extent, and the said Archibald earl of Dundonald may obtain an adequate recompence for his labour, time and expence; may it please your most excellent Majesty (at the humble petition and request of the said Archibald earl of Dundonald) that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of June, one thousand seven hundred and eighty-five, the sole privilege and advantage of making and extracting tar, pitch, essential oils, volatile alkali, mineral

Earl of Dundonald been at great expence, and cannot carry on the works without assistance.

Sole privilege of making tar, pitch, etc. from pit coal,

mineral acids, falts, and cinders, from pit coal, by the method herein-before particularly fet forth and described, and of vending the fame within the kingdom of *Great Britain*, and his Majesty's colonies and plantations in *North America*, shall be, and are hereby declared to be, vefted in the faid *Archibald* earl of *Dundonald*, his executors, adminiftrators, and affigns, for and during the term of twenty years; and that he the faid *Archibald* earl of *Dundonald*, his executors, adminiftrators, and affigns, and every of them, by himfelf and themfelves, or by his and their deputy or deputies, fervants or agents, or fuch others as he the faid *Archibald* earl of *Dundonald*, his executors, adminiftrators, and affigns, fhall at any time agree with, and for no others, from time to time, and at all times, during the term of years herein-before mentioned, fhall, and lawfully may, make or extract tar, pitch, effential oils, volatile alkali, mineral acids, falts, and cinders, from pit coal, by the method herein-before described, and vend the fame within the kingdom of *Great Britain*, and in his Majesty's colonies and plantations in *North America*, in fuch manner as to him the faid *Archibald* earl of *Dundonald*, his executors, adminiftrators, and affigns, fhall in their difcretions feem meet; and that the faid *Archibald* earl of *Dundonald*, his executors, adminiftrators, and affigns, fhall, and lawfully may, have and enjoy the whole profit, benefit, commodity, and advantage, from time to time, coming, growing, accruing, and arifing, by reafon of his faid invention, for the faid term of twenty years, to have, hold, receive, and enjoy the fame for and during, and to the full end and term of twenty years, as aforefaid; and that no other perfon or perfons within the kingdom of *Great Britain*, or any of his Majesty's colonies or plantations in *North America*, fhall, at any time during the faid term of twenty years, either direfctly or indirefctly, do, make, ufe, or put in practice the faid invention, or any part of the fame, nor in anywife counterfeit, imitate, or refemble the fame; nor fhall make, or caufe to be made, any addition thereunto, or fubtrafction from the fame; whereby to pretend himfelf or themfelves the inventor or inventors, devifor or devifors thereof, without the licence, confent, or agreement of the faid *Archibald* earl of *Dundonald*, his executors, adminiftrators, or affigns, in writing under his or their hand and feal, or hands and feals, firft had and obtained in that behalf, upon fuch pains and penalties as can or may be juftly inflicted upon fuch offenders, for their contempt of this act; and further, to be anfwerable to the faid *Archibald* earl of *Dundonald*, his executors, adminiftrators, and affigns, according to law, for his and their damages thereby occafioned.

II. Provided always, and be it hereby declared, That nothing in this act contained fhall extend, or be conftrued to extend, to prejudice or hinder any perfon or perfons from making or extracting tar, pitch, effential oils, volatile alkali, mineral acids, falts, and cinders, from pit coal, by any method which is not the invention of the faid *Archibald* earl of *Dundonald*, as aforefaid; Act not to extend to hinder any perfon from making tar, pitch, etc. which is not

the invention
of the earl of
Dundonald.

said; or which has been publickly used or exercised by any other person or persons, before the time of the date of the said letters patent herein recited; but that all such methods which are not at present of the said invention of the said *Archibald* earl of *Dundonald*, or are not particularly specified in this act, shall be and remain to the publick, and to the respective inventors thereof, as if this act had never been made; any thing herein contained to the contrary notwithstanding.

Proviso.

III. Provided also, That every objection in law, competent against the said patents, shall be competent against this act, to all intents and purposes, except so far as relates to the term hereby granted.

The privileges
granted by
this act not
to be trans-
ferred to more
than five per-
sons.

IV. Provided always, That if the said *Archibald* earl of *Dundonald*, his executors, administrators, or assigns, or any person or persons who shall, at any time during the said term of twenty years, have or claim any right, title, or interest, in law or equity, of, in, or to the power, privilege, or authority of the sole use and benefit of the said invention, shall make any transfer or assignment, or pretended transfer or assignment, of the said liberty or privilege hereby granted, or any share or shares of the benefit or profits thereof; or shall declare any trust thereof to or for any number of persons exceeding the number of five, or shall open, or cause to be opened, any book or books for publick subscriptions, to be made by any number of persons exceeding the number of five, in order to the raising any sum or sums of money, under pretence of carrying on the said liberty or privilege hereby granted; or shall by him or themselves, or his or their agents or servants, receive any sum or sums of money whatsoever, of any number of persons exceeding in the whole the number of five, for such or the like intents or purposes; or shall presume to act as a corporate body; or shall divide the benefit of the liberty or privileges hereby granted, into any number of shares exceeding the number of five; or shall commit or do, or procure to be committed or done, any act, matter, or thing whatsoever, during such time as such person or persons shall have any right, or title, either in law or equity, which shall be contrary to the true intent and meaning of an act of parliament made in the sixth year of the reign of his late majesty King *George* the First, (intituled, *An act for the better securing certain powers and privileges intended to be granted by his Majesty, by two charters, for assurance of ships and merchandizes at sea, and for lending money upon bottomry; and for restraining several extravagant and unwarrantable practices therein mentioned*); or in case the said power, privilege, or authority, shall at any time become vested in, or in trust for more than the number of five persons, or their representatives, at any one time, otherwise than by devise or succession, (reckoning executors and administrators as and for the single person whom they represent, as to such interest they are or shall be intituled to in right of such their testator or intestate); that then, and in every of the said cases, all liberties and advantages whatsoever, hereby granted shall utterly

6 Geo. I. c. 18.

utterly cease, determine, and become void; any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

V. And be it further enacted by the authority aforesaid, That Publick act. this act shall be adjudged, deemed, and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

C A P. XLIII.

An act to repeal the duties on male servants; and for granting new duties on male and female servants.

WHEREAS by an act, made in the seventeenth year of the Preamble. reign of his present Majesty, intituled, An act for granting 17 Geo. 3. to his Majesty a duty upon all servants retained or employed c. 39. in the several capacities therein mentioned; and for repealing several rates and duties upon glass, imposed by an act made in the nineteenth year of the reign of his late Majesty, and for granting to his Majesty other rates and duties upon glass in lieu thereof, and for the better collecting the duties upon glass; and for repealing the several rates and duties charged, by an act made in the twenty-ninth year of the reign of his said late Majesty, upon all persons and bodies politick and corporate having certain quantities of silver plate; it was enacted, That from and after the fifth day of July, one thousand seven hundred and seventy-seven, there shall be paid unto his Majesty, his heirs and successors, after the rate of twenty-one shillings per annum for every male servant within Great Britain, who should then have been, or who should afterwards be retained or employed in the several capacities therein described and enumerated; such yearly sum to be charged on the master or mistress of every such male servant in manner therein mentioned; and the said duty on male servants was put under the receipt and management of the commissioners for the affairs of taxes: and whereas, in the nineteenth year of his Majesty's reign, another act was made, for amending the said act: and whereas by another act, made in the twenty-first year of his Majesty's reign, intituled, An 21 Geo. 3. act for the better management and collection of the duties upon c. 31. male servants, granted by an act made in the seventeenth year of the reign of his present Majesty, the receipt and management of the said duties upon male servants were transferred from the commissioners of the duties on houses, windows, and lights, to the commissioners of excise for England and Scotland respectively; and further provisions were made for better securing the said duties on male servants: and whereas, by virtue of an act made in the twenty-second year of his Majesty's reign, for granting additional duties on 22 Geo. 3. the produce of the several duties under the management of the c. 66. commissioners of customs and excise, an additional duty of five pounds per centum became charged upon the said duty on male servants, and has been ever since collected: now, we, your Majesty's most dutiful

dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, thinking it expedient to repeal the said duties on male servants, mentioned in the said several recited acts respectively, and to grant unto your Majesty the several new duties herein-after mentioned upon male and female servants, as well for the purposes for which the said recited duties on male servants were made applicable, as towards raising the supplies which we have freely granted to your Majesty in this session of parliament, do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-five, the duties on male servants, granted by the said recited acts, or any of them, shall cease, determine, and be no longer paid or payable.

Duties on servants, granted by the recited acts, repealed. Not to affect the recovery of arrears.

II. Provided always, and be it further enacted, That nothing herein contained shall be construed to affect the recovery of arrears of the said repealed duties, which, on the said fifth day of July, one thousand seven hundred and eighty-five, may remain unpaid, or the recovery of any penalty or forfeiture which may have been incurred on or before the same day.

From July 5, 1785, the following duties to be paid for male servants.

III. And be it further enacted and declared, That, from and after the fifth day of July one thousand seven hundred and eighty-five, there shall be paid unto his Majesty, his heirs and successors, throughout the kingdom of *Great Britain*, by every person who shall retain or employ any male servant or servants, the several yearly sums following; that is to say,

For one or two, 1l. 5s. each:

For one male servant, the sum of one pound and five shillings:

for three or four 1l. 10s. each:
five to seven, 1l. 15s. each:
eight to ten, 2l. each:

For two male servants, and not more, the sum of one pound and five shillings each:

For three, and not more than four male servants, the sum of one pound and ten shillings each:

For five, and not more than seven male servants, the sum of one pound and fifteen shillings each:

For eight, and not more than ten male servants, the sum of two pounds each:

for eleven, and upwards, 3l. each.

And for eleven male servants, and upwards, the sum of three pounds each:

An additional 1l. 5s. for every male servant retained by unmarried men above 21 years, of age.

And every male person, of the age of twenty-one years and upwards, never having been married, who shall retain or employ any male servant or servants, shall pay the annual sum of one pound and five shillings for each male servant, over and above the duties herein-before mentioned,

Enumeration of male servants for

IV. *And, in order to ascertain what description of male servants shall be within the duties herein-before granted, be it further enacted, That the said duties granted by this act shall extend to, and be payable for, every male servant who shall be retained or employed*

employed in any of the following capacities; that is to say, whom the maitre d'hotel, house-steward, master of the horse, groom of duties shall be the chamber, valet de chambre, butler, under-butler, clerk of paid. of the kitchen, confectioner, cook, house-porter, footman, running footman, coachman, groom, postillion, stable-boy, and the respective helpers in the stables of such coachman, groom, or postillion, gardener not being a day labourer, park-keeper, game-keeper, huntsman or whipper-in, waiters in taverns, coffee-houses, inns, ale-houses, or any other houses licensed to sell wine, ale, or other liquors by retail (other than occasional waiters), or by whatsoever name or names, male servants really acting in any of the said capacities shall be called, or whether such male servants shall have been, or shall be retained or employed in one or more of the said capacities, or in any other business jointly with one or more of the same.

V. And be it further enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, there shall also be paid unto his Majesty, his heirs and successors, throughout the kingdom of *Great Britain*, by every person who shall retain or employ any female servant or servants, the rates and duties following; that is to say, Duties to be paid for female servants;

Every person who shall retain or employ any one female servant, and not more, shall, for such female servant, pay annually the sum of two shillings and sixpence: For one, 2s. 6d.:

Every person who shall retain or employ two female servants, and not more, shall, for each of them, pay annually the sum of five shillings: for two, 5s. each:

Every person who shall retain or employ three or more female servants, shall, for each of them, pay annually the sum of ten shillings: for three, or more, 10s. each:

And every male person of the age of twenty-one years, and upwards, never having been married, who shall retain or employ any one female servant, and not more, shall, for such female servant, pay annually the sum of two shillings and sixpence, over and above the duty for one female servant herein-before mentioned: and male persons unmarried, above 21 years of age, to pay an additional 2s. 6d. for one servant;

And every male person of the age of twenty-one years and upwards, never having been married, who shall retain or employ two female servants, and not more, shall, for each of them, pay annually the sum of five shillings, over and above the duty of five shillings each for two female servants, herein-before mentioned; 5s. each, for two servants;

And every male person of the age of twenty-one years, and upwards, never having been married, who shall retain or employ three or more female servants, shall, for each of them, pay annually the sum of ten shillings, over and above the duty of ten shillings each for three or more female servants, herein-before mentioned. and 10s. each, for three or more servants.

VI. Provided always, and be it further enacted, That the duties

Not to extend to servants employed in husbandry, &c.

duties granted by this act shall not extend to any male or female servant who shall be retained or employed *bona fide* for the purposes of husbandry, farmers, dairy, or manufacture, or of any trade or calling (other than waiters, as aforesaid) by which the master or mistress of such servant shall earn a livelihood or profit.

Duties for coachmen, grooms, etc. let out to hire, by whom to be paid.

VII. Provided also, and be it further enacted, That the duty hereby granted for every coachman, groom, postillion, or helper, let out to hire by way of jobb, shall be paid by the master or mistress, for whose use and in whose service such coachman, groom, postillion, or helper, shall be employed respectively; and the duty hereby granted for every gardener, retained or employed by any person or persons who shall contract for the keeping of any garden or gardens, shall be paid by the person or persons for whose use and in whose garden such gardener shall be employed.

Duties to be paid for apprentices employed in any of the capacities before mentioned. Exception.

VIII. Provided also, and be it further enacted, That nothing in this act contained shall extend to exempt any person or persons from the payment of any of the duties granted by this act, in respect of any servant retained or employed in any of the capacities aforesaid, on account or under pretence that such servant is or shall be bound as an apprentice to such person or persons; save and except such apprentices as are or shall be imposed upon any master or mistress, under and by virtue of the powers given to magistrates and parish officers by any act of parliament; so as the number of such apprentices, so imposed upon any master or mistress, does not exceed two: provided always, That nothing herein contained shall extend to exempt any such apprentice or apprentices who is or are employed as livery servants.

Not to extend to butlers, etc. in the universities;

IX. Provided also, and be it further enacted, That this act, or any thing herein contained, shall not extend to charge with any of the duties hereby granted, the butler or butlers, manciple, cook or cooks, gardener or gardeners, or porter or porters, of any college or hall within either of the universities of *Oxford* or *Cambridge*, or the universities of *Edinburgh*, *Glasgow*, *Aberdeen*, or *Saint Andrew's*, in *Scotland*, or of the several colleges of *Westminster*, *Eaton*, or *Winchester*; or the servants of his Majesty, or any of the royal family; or of any ambassador or foreign minister residing in the kingdom of *Great Britain*.

nor to the servants of the royal family;

nor the royal hospitals, etc.

X. Provided also, and be it further enacted, That nothing herein contained shall extend to charge with any of the duties hereby granted, any of the royal hospitals of *Christ*, *Saint Bartholomew*, *Bridewell*, *Bethlem*, *Saint Thomas*, in the city of *London*, and borough of *Southwark*, or *Guy's*, or the *Foundling* hospital.

One servant of any officer under the rank of a field officer, etc. not liable to the duties.

XI. And be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge with the duty hereby imposed, any officer serving in any regiment of horse or dragoons, under the rank, or not receiving the pay of a field officer, provided he retains no more than one servant; nor any officer serving in any regiment of artillery, infantry,

infantry, or marines, or corps of engineers, for any fervant who is actually a foldier in the regiment or company to which fuch officer fhall belong; nor any officer in his Majefty's navy, under the rank of a mafter and commander in actual employ, for any fervant who is borne upon the books of the fhip to which fuch officer fhall belong.

XII. And be it further enacted, That in all cafes where any officer on half pay from his Majefty's navy, army, or marines, who have been difabled by lofs of a limb, or wound received in his Majefty's fervice, fhall be charged for the duty on male fervants for one male fervant only, under the authority of this act, he fhall and may be lawful for the acting commiffioners for any diftrict in *England*, or the commiffioners of fupply in *Scotland*, on an appeal made to them by fuch officer, and proof on oath made that he is an officer on half pay, and difabled as aforefaid, to the fatisfaction of the faid commiffioners, to make an abatement of the whole duty from the charge againft fuch officer.

Officers difabled in his Majefty's fervice, and on half pay, not liable to the duties for one fervant.

XIII. Provided always, and be it enacted, That every perfon who fhall have living in their houfes two or more lawful children or grand children, under the age of fourteen years, fhall, in refpect of every two fuch lawful children or grand children, be exempted from the payment of the duties by this act impofed for one female fervant; that is to fay, if any perfon, having two fuch lawful children or grand children, fhall have one female fervant, and not more, he or fhe fhall be wholly exempted from the duty hereby impofed; if any perfon, having four fuch lawful children or grand children, fhall have two female fervants, and not more, he or fhe fhall pay for one female fervant, at the fame rate as if he or fhe retained only one female fervant, and no more; and fo in proportion for any greater number, abating one female fervant, and lowering the rate of duty in the manner herein-before provided, for every two fuch children or grand children.

Clause in favour of perfons having young children or grand children.

XIV. Provided always, and be it enacted, That nothing in this act fhall extend, or be conftrued to extend, to fubject any mafter or miftrefs to the payment of any of the duties impofed by this act for any female fervant who fhall be retained by him or her, where it fhall be made appear, by an extract from the register of the births kept in the parifh, properly authenticated, where fuch fervant was born, that at the time of making the affeffment fhe fhall be under the age of fourteen years, or above the age of fixty years.

Female fervants above, or under, certain ages, not liable to the duties.

XV. And be it further enacted, That the duties charged by this act fhall be affeffed, raifed, levied, collected, and received by fuch perfons, and fhall be paid into the receipt of his Majefty's exchequer, in fuch and the like form and manner, and with fuch allowances, and under fuch penalties, forfeitures, and difabilities, and according to fuch rules, methods, and directions, as are prefcribed or appointed for affeffing, raifing, levying, collecting, receiving, and paying the duties on houfes and windows

Duties to be collected by fuch perfons, and paid into the exchequer under fuch penalties, &c. as are appointed for the duties

- on houfes and windows, by two acts of
20 Geo. 2.
c. 3,
- c. 42;
- 21 Geo. 2.
c. 10;
- 26 Geo. 2.
c. 17;
- 31 Geo. 2.
c. 22;
- 2 Geo. 3.
c. 8;
- 6 Geo. 3.
c. 38;
- 19 Geo. 3.
c. 59;
- 24 Geo. 3.
c. 38.
- windows or lights, in and by an act, made in the twentieth year of the reign of his late Majesty, intituled, *An act for repealing the several rates and duties upon houfes, windows, and lights; and for granting to his Majesty other rates and duties upon houfes, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties; and by another act, made in the twentieth year of the reign of his said late Majesty, intituled, An act to enforce the execution of an act of this session of parliament, for granting to his Majesty several rates and duties upon houfes, windows, or lights; and by an act made in the twenty-first year of his said late Majesty's reign, intituled, An act for explaining, amending, and further enforcing the execution of an act, passed in the last session of parliament, intituled, "An act for repealing the several rates and duties upon houfes, windows, and lights; and for granting to his Majesty other rates and duties upon houfes, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties;" and by an act, made in the twenty-sixth year of the reign of his said late Majesty, intituled, An act for the more effectual levying of the duties upon windows or lights, in that part of Great Britain called Scotland; and by an act, made in the thirty-first year of the reign of his said late Majesty, intituled, An act for granting to his Majesty several rates and duties upon offices and pensions; and upon houfes, and upon windows or lights; and for raising the sum of five millions by annuities and a lottery, to be charged on the said rates and duties; and by an act, made in the second year of the reign of his present Majesty, intituled, An act for granting to his Majesty several rates or duties upon windows or lights; and by an act, made in the sixth year of his present Majesty, intituled, An act for repealing the several duties upon houfes, windows, and lights; and for granting to his Majesty other duties upon houfes, windows, and lights; and by another act, made in the nineteenth year of his present Majesty, intituled, An act for repealing the duties on all inhabited houfes, imposed by an act made in the last session of parliament; and for granting to his Majesty other duties upon all inhabited houfes in Great Britain, and for amending the said act; and also for amending so much of an act, made in the seventeenth year of the reign of his present Majesty, as imposes a duty upon all servants retained or employed in the several capacities therein mentioned; and by an act, made in the twenty-fourth year of his present Majesty, intituled, An act for repealing the several duties on tea, and for granting to his Majesty other duties in lieu thereof; and also several duties on inhabited houfes; and upon the importation of coconuts and coffee; and for repealing the inland duties of excise thereon; or in or by any of the said acts; and all the powers, authorities, rules and directions, penalties, forfeitures, clauses, matters and things, now in force, contained in the said acts, relative to the duties on houfes and windows or lights, for assessing, raising, levying, and paying the rates and duties thereby granted, shall be in full force, and be duly observed, practised, and put in execution,*

execution, throughout the whole kingdom of *Great Britain*, for affeffing, raifing, levying, collecting, and paying the duties hereby placed under the management of the faid commissioners for the affairs of taxes, as fully and effectually, to all intents and purpofes, fo far as fuch provifions fhall be applicable to the faid duties hereby granted, and are not altered by this act.

XVI. And be it further enacted, That for affeffing, levying, collecting, and paying the duties charged by this act, the commissioners authorifed or appointed, or who fhall be hereafter authorifed or appointed, for putting in execution the faid acts relative to the duties on houfes, and windows or lights, fhall be commissioners for executing this prefent act, and the powers therein contained, in all and fingular the counties, fhires, ftewartries, ridings, cities, boroughs, cinque ports, towns, and places refpectively, within *Great Britain*; and fuch commissioners, for the speedy execution of this act, fhall, in the refpective counties, fhires, ftewartries, ridings, cities, boroughs, cinque ports, towns, and places, for which they are or fhall be appointed commissioners, meet for the firft time on or before the fifth day of *July*, one thoufand feven hundred and eighty-five, and afterwards fhall in like manner meet yearly, and every year, at fuch day or time as the faid commissioners for the time being fhall think proper to appoint, on or before the thirtieth day of *April*; and fhall then divide themfelves to act in feparate diftricts, and proceed in the execution of this prefent act, for affeffing, raifing, levying, and collecting the duties granted by this act, in fuch and the fame manner as is prefcribed by the faid acts relative to the faid duties on houfes, and windows or lights, or any of them, with refpect to the duties thereby impofed, except fo far as an alteration is made by this act.

Commissioners of the afore-mentioned duties on houfes, &c. to put this act in execution.

First meeting, &c.

XVII. Provided always, and be it further enacted, That if, by any negligence or default, there fhall not have been a meeting of the faid commissioners for executing this act, within or at the times, or according to the manner hereby prefcribed, the faid commissioners, or any two or more of them, in the refpective counties, fhires, ftewartries, ridings, cities, boroughs, cinque ports, and towns, in *Great Britain* refpectively, wherein fuch default fhall have happened, may and fhall meet at any other time or times, as foon as may be after the time or times fo prefcribed, in order to execute the powers of this act, fo as that the faid duties charged by this act may be duly and effectually affeffed, raifed, levied, and paid to his Majefty, his heirs and fucceffors, notwithstanding any fuch default or defect as aforefaid.

Commissioners, on default of meeting on the day above-mentioned, may meet afterwards, etc.

XVIII. Provided alfo, and be it further enacted, That no perfon fhall prefume to act as a commissioner in the execution of this act, (except in adminiftering the oath herein-after expreffed) until he fhall have taken the feveral oaths requifite to qualify him for acting as a commissioner of the feveral duties charged on houfes, and windows or lights, by any of the acts herein-

Oaths to be taken by commissioners.

herein-before referred to, and also shall have taken the following oath; that is to say,

New oath.

I A. B. do swear, That I will truly and faithfully execute the office of a commissioner, according to an act made in the twenty-fifth year of King George the Third, to repeal the duties on male servants; and for granting new duties on male and female servants; and that I will determine upon all appeals which shall be brought before me, under the said act, according to the best of my skill and knowledge.

So help me G O D.

Penalty on acting before taking the oaths.

Which oath any two or more of the commissioners in the county, shire, stewartry, city, or place, where the assessment is to be made, are hereby authorized to administer; and if any person shall act as a commissioner for the execution of this act, except as aforesaid, before he shall have taken such oaths as aforesaid, he shall, for every offence, forfeit the sum of one hundred pounds.

The first assessment for three quarters of a year.

XIX. And be it further enacted, That the first assessment of the duties charged by this act, shall be made for three quarters of a year, from the fifth day of *July*, one thousand seven hundred and eighty-five; and afterwards the assessment of the duties charged by this act shall be made for one year, from the fifth day of *April* in every year.

Duties to be paid quarterly.

XX. And be it further enacted, That the said duties charged by this act shall be paid at the times and in the proportions following, (that is to say), quarterly, on the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*, in every year, by equal portions; the first of the said quarterly payments to be made on the tenth day of *October*, one thousand seven hundred and eighty-five.

Clause relative to persons who have paid the old duties in advance.

XXI. Provided always, and be it further enacted, That all persons who, previously to the said fifth day of *July*, one thousand seven hundred and eighty-five, shall have already paid the said repealed duties on male servants for any part of the said three quarters for which the first assessment on male servants under this act is hereby directed to be made, or their respective executors or administrators, shall, after paying the said first assessment, have a right to receive back from the commissioners of excise, or any officer or officers appointed by them, out of any money which shall have been paid into, or be in their hands, such a proportion of the repealed duties on male servants, so already paid to the said commissioners of excise or their officers, as shall be necessary to prevent a double payment of the said duties, in respect of such male servants, for the said three quarters on the said first assessment, or for any part thereof; for which purpose the said commissioners of excise are hereby required to make such orders, in respect to the time and manner of such repayment, as to them shall appear best calculated

lated to effectuate the intention of this act, and to prevent a charge of double duties for male servants on any person: provided always, That no person shall be intitled to receive back from the commissioners of excise, or their officers, under the provision aforesaid, any sum in respect of such repealed duties on male servants, for any portion of the said three quarters, less than a full quarter of a year.

XXII. And, for more effectually levying and collecting the said duties granted by this act, be it further enacted, That if there shall be a neglect of appointment of assessors of the said duties on houses, and windows or lights, or if the assessors appointed shall neglect what is required of them by this act, then, and in every such case, it shall be lawful to and for the surveyor or surveyors, or inspector or inspectors, appointed or to be appointed under the authority of the said acts, relative to the duties on houses, and windows or lights, or any of them, to do and perform such and the like services as, by the said acts or any of them, are required from such assessors.

If assessors neglect their duty, surveyors, etc. may perform the same.

XXIII. And be it further enacted, That every person so appointed or to be appointed assessor as aforesaid, or any surveyor or inspector hereby authorized to act as an assessor, shall, before he presumes to act in the execution of the said office or employment, take (besides the oaths or affirmations required to be taken by assessors by the before-mentioned acts relative to the duties on houses, and windows or lights, or any of them) an oath, or, being one of the people called *Quakers*, make and subscribe a solemn affirmation, in the following form:

Oaths to be taken by assessors.

I A. B. do swear, [or affirm, as the case may require], That in the assessment which I am required to make by authority of an act made in the twenty-fifth year of King George the Third, to repeal the duties on male servants; and for charging new duties upon male and female servants; I will act according to the best of my skill and knowledge.

New oath.

So help me G O D.

Which oath or affirmation any two or more of the commissioners in the county, shire, stewardry, city, or place, where the assessment is to be made, are hereby authorized and required to administer; and if any person so appointed, or to be appointed, or hereby authorized to act as assessor, shall presume to act in the execution of the said office or employment, before he shall have taken the aforesaid oath or affirmation, as the case shall be, he shall forfeit and pay, for every such offence, the sum of twenty pounds.

Penalty on acting before taking the oath.

XXIV. And be it further enacted, That the said commissioners for executing this act shall, in the precepts to be from time to time directed by them to the inhabitants of the parishes or places within their respective districts or divisions, naming whom they shall think fit to be assessors under the said acts, relative to the said duties on houses, and windows or lights, or

Notice to be given in the precepts of the appointment of assessors.

any

any of them, cause notice to be inserted, that such persons are also appointed assessors of the duties granted by this act.

Affessors to give notice in writing to masters, etc. to produce lists of their servants employed within their districts, etc.

XXV. And be it further enacted, That such persons to be appointed assessors as aforesaid, shall, within fourteen days after such their appointment yearly, give or leave notice in writing, to or for every person keeping any male or female servant liable to the duties granted by this act, within the limits of the places for which such assessors are to act, at his or her dwelling house, to prepare or produce, within fourteen days next ensuing the day of giving such notice, separate lists in writing of his or her male and female servants retained or employed within such limits, every such list to describe the christian name and surname of each servant, and the capacity in which each shall have been retained or employed; and to contain the greatest number of servants, male and female, which such person shall have retained or employed at any one time in the course of the year ending the fifth day of *April* preceding such notice; and every such person shall, after such notice so given or left, make out the said lists, and sign the same with his or her own name, and deliver the same, or cause the same to be delivered, to such assessor or assessors, who are hereby required and directed to call for the same: and if any such person shall neglect or refuse to make out, sign, and deliver such lists as aforesaid, within the time before-mentioned, then such assessor or assessors shall, from the best information he or they can obtain, make an assessment upon such person so neglecting or refusing, for and in respect of the number of male and female servants, liable to the duties granted by this act, so kept by him or her; and every such assessment so made upon any such neglect or refusal shall be final and conclusive upon the person thereby charged, who shall not be at liberty to appeal therefrom, unless such person shall prove that he or she was not at his or her dwelling house at the time of the delivery of such notice, nor between that day and the time limited for delivering such list as aforesaid to the assessor; or unless such person shall alledge and prove such other excuse for not having delivered his or her list, as the commissioners for executing this act shall in their judgement think reasonable and sufficient.

How assessor to proceed, in case masters neglect to deliver such lists.

Lists to contain the greatest number of servants employed during the time to which they relate.

XXVI. Provided always, and be it further enacted, That the respective lists which shall be delivered, in the manner herein-before mentioned, by order of the said commissioners, on the first assessment to be made by virtue of this act, shall contain the greatest number of male and female servants as aforesaid, which the persons from whom such lists are herein-before required shall respectively have at any time kept between the tenth day of *October*, one thousand seven hundred and eighty-four, and the fifth day of *July*, one thousand seven hundred and eighty-five.

Commissioners, on application, to grant relief

XXVII. And, to the end that no person may pay for his or her servants in more parishes or districts than one within the same year, be it further enacted, That if any person, having

been

been assessed under this act in one parish or district for his or her servants within the same, shall be again assessed in another parish or district, for or in respect of such servants, or any of them; in every such case, the commissioners for the execution of this act, within such latter parish or district, or the majority of the said commissioners present, at any application for the purpose, may and are hereby required to alter any assessment of such person so assessed twice, on proof given before them that such person has paid the said duties, for or in respect of such servants, in another place, and in what place specifically, or hath been assessed for the same; which proof shall be made, as to the fact of payment, by producing a receipt signed by the collector to whom the same payment shall have been made, or, in default thereof, by other reasonable evidence to the satisfaction of the said commissioners for the execution of this act, or the majority of them, before whom such evidence shall be offered; and the aforesaid proof, as to the fact of the party having been assessed elsewhere, shall be made in like manner, either by producing a copy or certificate of the assessment signed by two or more commissioners of the district for which such assessment shall have been made, (which copy or certificate the clerk then attending the said commissioners shall deliver *gratis* to the party requiring the same), or, in default of such copy or certificate, then such proof shall be made by other evidence, to the satisfaction of the commissioners present, or the majority of them.

XXVIII. Provided always, and be it further enacted, That every person who shall be called upon by virtue of this act to give such lists as aforesaid, shall, when he or she shall give in such lists, at the same time make a declaration, signed by him or her, of the number of servants respectively he or she shall mean to pay for at every other place, specifying the particular parishes or parish, or districts or district, wherein he or she shall mean to pay for such other servants respectively, so as that every such list or declaration shall contain the whole number of servants retained by such master or mistress within the kingdom of *Great Britain*, in order to their being charged according to the several rates prescribed by this act, in proportion to the greatest number retained in the whole; and the said assessors shall enter the list or declaration last mentioned at the end of their several assessments, and deliver the said list or declaration to the surveyor for each parish or district, in order that he may transmit the particulars thereof to the commissioners for managing the affairs of taxes.

XXIX. And be it further enacted, That such assessors as aforesaid shall not be bound by such lists as shall be delivered to them respectively, in pursuance of this act; but shall be at liberty, if they shall find, upon due examination, that any servant or servants is or are omitted in such lists, to surcharge the same, and make a true assessment upon every person keeping such servants within their respective districts, of the real number

to persons who have been assessed in different places for the same servants.

Clause relative to persons who pay for servants in different parishes.

In case the lists delivered to the assessors shall be found deficient, they may surcharge the same.

ber of fervants retained or employed by each fuch perfon, diftinguifhing every fuch fervant in manner herein-before directed.

Affeffors to deliver their affeffments to the commiffioners within 3 months after their appointment. Commiffioners to fign the fame, and appoint collectors, etc.

XXX. And be it further enacted, That fuch affeffors as aforefaid fhall, from time to time, make and deliver in writing their affeffments of the faid duties granted by this act, within the limits for which they are refpectively to act as aforefaid, unto the faid commiffioners, for the execution of this act, or any two or more of them, within the fpace of three calendar months next after the time of their being appointed affeffors; and the faid commiffioners, to whom fuch affeffments fhall be fo delivered, or any two of them, fhall, within the fpace of one calendar month next after the receipt of the fame refpectively, or as foon after as conveniently may be, fet their hands to the faid refpective affeffments, and to fuch furcharge or furcharges as fhall or may have been made in the mean time, either by the fame affeffors, or by fuch furveyor or furveyors, or infpector or infpectors as aforefaid, teftifying their allowance of the fame; and fhall likewife nominate and appoint two of the perfons, named or prefented in each of fuch affeffments, to be collectors, or any other two fuch perfons as the faid commiffioners for the execution of this act, or any two or more of them, fhall think able and refponfible for the refpective divifions and places for which collectors fhall be fo prefented; and fhall forthwith deliver, or caufe to be delivered, fuch affeffments, fo by the faid commiffioners allowed of, unto the refpective perfons by them nominated to be collectors, who are hereby enjoined and required to collect and pay the duties fo affeffed, and to give acquittances for the fame.

Surveyors under the before mentioned acts may infpect the lifts before they are figned, and amend them.

XXXI. And be it further enacted, That all and every furveyor and furveyors, and infpector and infpectors, appointed and to be appointed under and by virtue of the faid feveral acts relative to the duties on houfes, and windows or lights, fhall be, and he and they is and are hereby impowered and authorized to infpect and examine any lift or lifts to be made out and figned by any fuch perfon retaining or employing any fuch male or female fervant or fervants aforefaid, or any affeffment or affeffments for any parifh or place, before the commiffioners for the execution of this act fhall have figned and allowed the fame, and to alter and amend any fuch lift or lifts, or affeffment or affeffments, if he or they fhall fee juft caufe for fo doing; and every perfon in whole cuftody any fuch lifts or affeffments fhall be, fhall, and he is hereby required, upon the request of any fuch furveyor or furveyors, or infpector or infpectors, as aforefaid, to produce the fame: and if any fuch furveyor or furveyors, or infpector or infpectors, fhall, after any fuch lift or lifts, and affeffment or affeffments, fhall be fo refpectively made out, and figned and allowed as aforefaid, find and difcover upon his or their furvey or examination, that any perfon who ought to be charged with the duties granted by this act, or any of them, fhall have been omitted to be charged therewith, or fhall have been under-rated, fuch furveyor or furveyors, or infpector or infpectors,

If furveyors difcover any omissions after the lifts are figned, they are to certify the fame to the commiffioners, etc.

pectors, fhall certify the fame in writing under his or their hand or hands, according to the direftions aforefaid, by way of furcharge, to any two or more of the faid commiffioners for the execution of this aft, in order to have fuch omiffion or under-rate rectified in the faid affeffments; and fuch commiffioners are thereupon to caufe the fame to be rectified, and the duties levied accordingly.

XXXII. *And whereas fome perfons, liable to the duties granted by this aft, may neglect to deliver fuch lifts and declarations as are herein-before required,* be it further enacted, That where any perfon liable, under the direftions herein-before contained, to deliver fuch lifts or declaration as aforefaid to the affeffors, fhall refufe or neglect, within the time herein-before prefcribed, to deliver, or caufe to be delivered, any fuch lift or lifts, or declaration, to fuch affeffor or affeffors, he or fhe fo refufing or neglecting fhall, for every fuch offence, forfeit the fum of ten pounds.

Penalty on neglecting to deliver lifts and declarations.

XXXIII. *And, to the end that perfons keeping fervants liable to the duties granted by this aft, or any of them, may deliver, or caufe to be delivered, to the affeffor or affeffors, true lifts and declarations of their refpective fervants,* be it further enacted, That in all cafes where any affeffor, orurveyor or infpector, fhall make a furcharge upon any perfon for or in refpect of his or her fervant or fervants, omitted to be inferted in any fuch lift or declaration as aforefaid, fuch furcharge fhall be made after the rate of double the duty of the fervant fo omitted; and the affeffor orurveyor fo making fuch furcharge fhall be, and he is hereby intituled to, and fhall have and receive for his own ufe, one moiety of the fum charged by every furcharge which fhall be juftly made upon any fuch lift or declaration.

Masters to be doubly rated for thofe fervants they omit in their lifts.

One half of which furcharge to be allowed the affeffor orurveyor making the fame.

XXXIV. *And whereas difficulties may fometimes arife in difcovering lodgers or inmates in any houfe, liable to pay the duties granted by this aft;* be it therefore enacted, That the inhabitant houfeholder of any houfe, in which there fhall be any lodger or inmate, keeping any fervant or fervants liable to the faid duties granted by this aft, or any of them, fhall, within a week after a requifition, by notice in writing left at any fuch houfe, from or by any affeffor,urveyor, or infpector of the faid duties on fervants, deliver to, or leave for, fuch affeffor,urveyor, or infpector, a lift, in writing, of every lodger or inmate in fuch houfe, who fhall, at the time of delivering or leaving fuch notice, retain or employ any fervant liable to the faid duties granted by this aft, or any of them, or fhall have retained or employed any fuch fervant or fervants from the tenth day of *October*, one thoufand feven hundred and eighty-four, to the fifth day of *July*, one thoufand feven hundred and eighty-five, on the firft affeffment under this aft; and from the fifth day of *April* in in each preceding year, on every future affeffment; which lift fhall exprefs the christian and furname of every fuch lodger or inmate, and alfo of every fuch fervant or fervants, to the beft of the knowledge or information of fuch inhabitant houfeholder: and if any inhabitant houfeholder fhall refufe or neglect

Inhabitant houfeholders to deliver lifts of lodgers who keep fervants,

containing the names of the parties;

on penalty of 10l.

to deliver any such list as last herein-before mentioned, or shall wilfully omit or misrepresent any description which ought to be contained therein, he or she so offending shall, for every offence, forfeit ten pounds.

Persons over-rated may appeal to the commissioners.

Appellant to deliver, on oath, a list of the greatest number of servants employed, etc.

XXXV. And be it further enacted, That if any person or persons shall think himself, herself, or themselves respectively overcharged or over-rated by any assessments, charge, or surcharge to be made by virtue or in pursuance of this act, it shall be lawful for him, her, or them respectively to appeal to the said commissioners for the execution of this act; and the said commissioners, or any two or more of them, shall, and they are hereby required to hear and determine all such appeals, except where it shall appear to the said commissioners that the person appealing shall have omitted to deliver in his or her list or lists, or declaration, in manner aforesaid, and shall not assign sufficient cause, to the satisfaction of the commissioners, in manner for such omission herein-before mentioned; provided that, at the time of hearing the same appeal, a list or lists shall be produced, by or on the part of the appellant, upon his or her oath, of the greatest number of servants, liable to the aforesaid duties granted by this act, of such appellant, within the district or limits of the place where such appeal shall be made, kept by him or her at any time between the tenth day of *October*, one thousand seven hundred and eighty-four, and the fifth day of *July*, one thousand seven hundred and eighty-five, with respect to the space of time which shall have elapsed between the said tenth day of *October*, one thousand seven hundred and eighty-four, and the said fifth day of *July*, one thousand seven hundred and eighty-five; or with respect to any future year, the greatest number of such servants which shall have been so kept by him or her within the year preceding the fifth day of *April* in every such year, with such description and explanation, and also such list or declaration as to other districts, as is herein-before required; and all such appeals shall be heard and determined, for the first assessment, on such days as the said commissioners for the execution of this act, or any two or more of them, shall appoint, and afterwards on the days to be appointed, and in the manner directed by the several acts herein-before mentioned with respect to the duties on houses, and windows or lights.

Commissioners not to make any abatement in the charge, etc. unless it shall appear, on oath, that the appellant is over-rated.

Ten days notice to be given of appeal.

XXXVI. And be it further enacted, That the said commissioners for the execution of this act, or any of them, shall not, upon the hearing any appeal, make any abatement or deduction in the charge or surcharge made upon any person by such assessment as aforesaid, or the surcharge of any such surveyor or surveyors as aforesaid, but the same shall stand good and remain part of the annual assessment, unless it shall then appear to the said commissioners, by examination upon oath, that such person is over-rated in and by such assessments or surcharge; and every person intending to appeal to the said commissioners shall, and is hereby required to give at the least ten days

days notice thereof to the faid surveyor, or to one or more of the affeffors of the parish or place wherein fuch person is rated, of fuch intention to appeal: and fuch surveyor or infpector and affeffors may then and there attend to juftify the faid affeffment and furcharge; and fuch surveyor, infpector, and affeffor, and appellat, fhall have full and free liberty to be prefent during all the time of hearing fuch refpective appeals, and the determination of the faid commiffioners on the fame: and the faid commiffioners are hereby authorized and impowered upon every fuch appeal, although they fhall confirm the furcharge of fuch affeffors, or surveyor or infpector, upon application of fuch appellat as aforefaid, to remit and ftrike off the penalty hereinbefore directed to be paid to fuch affeffor, surveyor, or infpector, furcharging fuch lift, if they fhall be of opinion that there was any doubt whether the fervant fo furcharged was rateable within the meaning of this act, and was wilfully omitted by fuch appellat out of fuch lift or lifts, or declaration as aforefaid.

Commiffioners, in certain cafes, may remit the penalty before directed to be paid to the affeffor, etc.

XXXVII. Provided always, and be it further enacted, That if, on fuch examination on the hearing of fuch appeal, it fhall appear to the faid commiffioners for the execution of this act, that fuch furcharge was falfe and vexatiously made; then, and in fuch cafe, fuch surveyor, or affeffor or infpector fo furcharging, fhall forfeit and incur fuch penalties and punishment as, in and by the faid acts relative to the duties on houfes, and windows or lights, are directed to be inflicted on surveyors, or infpectors or affeffors, for neglect of duty.

Penalty on surveyors, etc. for making a falfe furcharge.

XXXVIII. And be it further enacted, That all appeals, once heard and determined by the faid commiffioners of this act, or any two or more of them, or the major part of them then prefent, on the day or days by them appointed for hearing of appeals, fhall be final, except as herein-after excepted.

Determination of commiffioners to be final;

XXXIX. And be it further enacted, That if either the faid surveyor or infpector, or the person fo appealing, in that part of *Great Britain* called *England*, or in *Wales*, or in *Berwick upon Tweed*, fhall apprehend the determination made by the faid commiffioners to be contrary to the true intent and meaning of this act, and fhall then declare himfelf or herfelf difatisfied with fuch determination, it fhall and may be lawful to and for fuch surveyor or infpector, or person fo appealing refpectively, to require the faid commiffioners for the execution of this act to ftate fpecially, and fign the cafe upon which the queftion arofe, together with their determination thereupon; and the faid commiffioners, or the major part of them then prefent, are hereby required to ftate and fign fuch cafe accordingly, and to caufe the fame to be delivered to the party making fuch request as aforefaid, to be by him or her tranfmitted to one of the juftices of the court of king's bench or common pleas, or to one of the barons of the court of exchequer, for the time being; and every fuch juftice and baron is hereby required, with all convenient fpeed, to return an answer to fuch cafe fo tranfmitted,

except, etc. Persons difatisfied may, in England, appeal to the court of king's bench;

and in Scotland, to the court of session, etc.

mitted, with his opinion thereupon subscribed thereto; according to which opinion so certified, the assessment which shall have been the cause of the appeal shall be altered or confirmed: and if either the said surveyor or inspector, or the person so appealing, in that part of *Great Britain* called *Scotland*, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this act, and shall then declare himself or herself dissatisfied with such determination, it shall and may be lawful to and for such surveyor, or person dissatisfied respectively, to require the said commissioners, or the major part of them then present, to state specially, and sign the case upon which the question arose, together with their determination thereupon; and the said commissioners are hereby required to state and sign such case accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him or her transmitted to one of the judges of the court of session, or of the barons of the exchequer in *Scotland*; and every such judge and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted, with his opinion thereupon subscribed thereto; according to which opinion so certified, the assessment which shall have been the cause of such appeal, shall be altered or confirmed.

Proviso, relative to cases transmitted to the judges.

XL. Provided always, and be it further enacted, That notwithstanding any such case so transmitted to any of the said justices, judges, or barons, the determination of the said commissioners for the execution of this act shall stand, with respect to the payments which shall become due, precedent to the opinion certified by any such justice, judge, or baron, upon such case.

Monies arising from this act to be paid into the exchequer, and entered separate from all others.

XLI. And be it further enacted, That there shall be kept in the office of the auditor of the receipt of his Majesty's exchequer a book or books, in which all the monies arising from the said duties granted by this act, and paid into the said receipt, shall be entered separate and apart from all monies paid or payable to his Majesty, his heirs and successors, upon any account whatsoever; and all monies so paid into the said receipt under this act, shall be appropriated in manner following; (that is to say), the annual sum of fifty-one thousand pounds, part of the duties arising by this act, shall be carried to, and made part of, the fund commonly called *The Sinking Fund*, as is directed by the said recited act of the seventeenth year of his present Majesty, in respect to the duties on male servants thereby granted; and the remainder of the duties granted by this act, shall be a fund for the payment of the annuities, and all such other charges and expences as are directed to be paid and payable pursuant to an act of this present session of parliament, (intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures.*)

Application thereof.

Penalties exceeding 20l.

XLII. And be it further enacted, That every penalty or forfeiture which shall be incurred under this act of a greater sum than

than twenty pounds, shall be recovered in any of his Majesty's courts of record at *Westminster*, if the matter shall arise within *England* or *Wales*, or the town of *Berwick upon Tweed*; or in the court of session, court of justiciary, or court of exchequer in *Scotland*, if the matter shall arise in that part of the united kingdom, by action of debt, bill, plaint, or information; wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and one moiety of every such penalty or forfeiture shall belong to his Majesty, his heirs or successors, and the other moiety thereof to the person or persons who shall inform and sue for the same.

XLIII. And be it further enacted, That, in all cases where the penalty by this act imposed doth not exceed the sum of twenty pounds, it shall be recoverable before two or more justices of the peace of the county, riding, shire, stewartry, division, city, liberty, town, or place, wherein the offence shall be committed, on proof of the offence, either by the voluntary confession of the party or parties accused, or by the oath of one or more credible witness or witnesses; and one moiety of every such last mentioned penalty shall belong to his Majesty, his heirs and successors, and the other moiety to the informer or informers prosecuting for the same; and in case of nonpayment shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justices; and the overplus of the money raised, after deducting the penalty, and the expences of the distress and sale, shall be rendered to the owner; and, for want of sufficient distress, the offender shall be sent by such justices to the prison of such county, riding, shire, stewartry, division, city, liberty, town, or place, for such time, not exceeding six months, nor less than one month, as such justices shall think most proper.

XLIV. And be it further enacted, That all constables and headboroughs, tithingmen, and other his Majesty's officers, shall and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and to obey and execute such precepts or warrants as shall be to them directed in that behalf by the respective commissioners hereby appointed, or any three or more of them.

XLV. And be it further enacted, That all actions, suits, or informations, for any offence against this act, shall be brought within one year after the offence committed, and being brought after the time so limited, shall be void; and if any person or persons shall at any time or times be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any clause, matter or thing, herein contained, such person or persons may plead the general issue, and give the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

where to be recovered.

Penalties not exceeding 20l. recoverable before two justices;

and may be levied by distress.

Constables, etc. to be aiding in executing this act.

Limitation of actions.

General issue.

Treble costs.

C A P. XLIV.

An act for regulating insurances on ships, and on goods, merchandizes, or effects.

Preamble:

WHEREAS it hath been found by experience, that the making or effecting insurances on ships or vessels, and on goods, merchandizes, and effects in blank, and without specifying therein the name or names of any person or persons for whose use and benefit, or on whose account, such insurances are made or effected, hath been, in many respects, mischievous, and productive of great inconveniencies; for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-five, it shall not be lawful for any person or persons, who shall live or reside in *Great Britain*, to make or cause to be made any policy or policies of assurance upon his, her, or their interest in any ship or ships, vessel or vessels, or on any goods, merchandizes, effects, or other property, without inserting in such policy or policies, his, her, or their own name or names, as the person or persons interested therein, or the name or names of the person or persons who shall effect the same, as the agent or agents of the person or persons so really interested therein, or for whose use or benefit, or on whose account, such policy or policies is or are so made or underwrote; and that it shall not be lawful, from and after the said fifth day of July, one thousand seven hundred and eighty-five, for any person or persons who shall not live or reside in *Great Britain*, to make or cause to be made any policy or policies of assurance upon his, her, or their interest in any ship or ships, vessel or vessels, or on any goods, merchandizes, effects, or other property, without inserting in such policy or policies the name or names of the agent or agents of the person or persons so really interested therein, or for whose use or benefit, or on whose account, the same is or are so made or underwrote; and that every policy or policies of assurance, made or underwrote contrary to the true intent and meaning hereof, shall be null and void to all intents and purposes whatsoever.

From July 5, 1785, no policy of insurance on ships or goods to be made, without inserting therein the names of the persons interested, or of their agents.

17.R. 464.

Policies made contrary hereto, shall be void.

C A P. XLV.

An act for reducing the time for the imprisonment of debtors committed to prison, upon prosecutions in courts of conscience, in London, Middlesex, and the borough of Southwark, to the same periods in each court; and for abolishing fees paid by those debtors to gaolers, or others, on account of such imprisonment.

Preamble.

WHEREAS, by various acts of parliament now in force, and made to establish or regulate courts for the recovery of small debts, particularly in the city of London, the county of Middlesex, the

the city and liberty of Westminster, the Tower Hamlets, and within the town and borough of Southwark, there is no uniform time limited for the duration of the imprisonment of the defendant or debtor, against whom an execution, process of contempt, or precept in the nature of an execution, is issued for nonpayment of such debts and costs, sum or sums of money, as by the order or orders of such courts, such debtor or defendant is ordered or directed to pay, but such debtors or defendants are by such acts of parliament to be committed to prison, there to remain for an indefinite length of time, until he, she, or they, shall perform the order of the court or commissioners in that behalf, so that it frequently happens that a poor person who is not of ability to pay a debt of or under forty shillings, is imprisoned for many months, and sometimes for years, without a possibility of being discharged: and whereas it often happens that poor persons who are committed to prison by virtue of, and in pursuance of the said acts of parliament, for a trifling debt, are kept in custody, after they have been enabled to pay and discharge such debt, for gaol fees, notwithstanding it does not appear by the table of fees in such acts of parliament, that any gaol fees whatever are to be taken or paid: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of June, one thousand seven hundred and eighty-five, no person or persons whomsoever, being a debtor or defendant, and who have been, or shall be committed, to any gaol or prison, by order of any court, or commissioners authorized by virtue of any act or acts of parliament, to constitute or regulate any court or courts for the recovery of small debts, in the city of London, in the county of Middlesex, and town and borough of Southwark, in the county of Surrey, where the debt does not exceed twenty shillings, shall be kept or continued in custody, on any pretence whatsoever, more than twenty days from the time of his, her, or their commitment to prison: and where the debt does not amount to, or exceed the sum of forty shillings, more than forty days from the time of his, her, or their commitment as aforesaid; and all gaolers, keepers, or turnkeys, are hereby directed and required to discharge such persons accordingly.

II. And be it further enacted by the authority aforesaid, That when the time shall expire for which such person or persons respectively shall have been committed or sent to any gaol or prison as aforesaid, every such person or persons shall immediately be discharged and set at liberty without paying any sum or sums of money, fee or fees, or other reward or gratuity whatsoever, to the gaoler, keeper, or turnkey of such gaol or prison, or others, by way of gaol fees, or discharge fees, or otherwise, on any pretence whatsoever; and every gaoler, keeper, or turnkey, of any such gaol or prison, or others, demanding, taking, or receiving any fee or fees, sum or sums of money whatsoever, upon the discharge of any such person or persons

From June 24, 1785, debtors committed to prison by courts of conscience in London, Middlesex, etc. for a debt of 20s. or under, not to be confined more than 20 days; and not exceeding 40s. for more than 40 days.

Such prisoners to be discharged without paying gaol fees.

Penalty on gaolers, etc. demanding fees.

persons fo to be committed to his custody as aforefaid, or keeping or detaining any fuch person or persons prifoner or prifoners, after the time for which he, ſhe, or they, ſhall be committed as aforefaid, ſhall forfeit and pay the ſum of five pounds.

Two juſtices may determine offences againſt this act.

III. And be it further enacted by the authority aforefaid, That it ſhall and may be lawful to and for any two juſtices of the peace where the offence ſhall be committed, to hear and determine any offence againſt this act; which ſaid two juſtices of the peace are hereby authorized and required, upon any information exhibited, or complaint made before them of ſuch offence having been committed, to ſummon the party accuſed, and alſo the witneſſes on either ſide, and to examine into the matter of fact; and upon due proof made thereof by the oath of one or more credible witneſs or witneſſes, or by the voluntary confeſſion of the party, to give judgement or ſentence for the penalty or forfeiture as in and by this act is directed, and to award and iſſue out their warrant under their hand and ſeal for levying the ſaid penalty of five pounds ſo adjudged on the goods of the offender, and to cauſe ſale to be made thereof, in caſe they ſhall not be redeemed in four days, rendering to the party the overplus, (if any;) and where the goods of ſuch offender cannot be found ſufficient to answer the penalty, to commit ſuch offender to priſon, there to remain for the ſpace of two months, unleſs ſuch penalty ſhall be ſooner paid and ſatisfied.

Penalties may be levied by diſtreſs,

or the offender committed.

Application of forfeitures.

IV. And be it further enacted, That all forfeitures and penalties inflicted by this act (the neceſſary charges for the recovery thereof being firſt deducted) ſhall be divided and diſtributed, one moiety thereof to be paid to the churchwardens or overſeers of the poor, for the ſupport and maintenance of the poor of the pariſh in which the offence was committed, and the other moiety to the perſon or perſons who ſhall inform and ſue for the ſame.

Complaints of offences to be made within two months.

V. Provided alſo, and be it enacted, That no perſon or perſons ſhall be liable to be convicted before any juſtices of the peace for any offence committed againſt this act, unleſs complaint or information ſhall be made or exhibited againſt ſuch perſon or perſons within two calendar months after ſuch offence committed.

Proceſs not to iſſue againſt both body and goods of the ſame party.

VI. Provided always, and be it enacted, That it ſhall not be lawful for any ſuch court or commiſſioners to iſſue any proceſs againſt the body or bodies of any perſon or perſons, where the party intituled to the benefit of any order, judgement, or decree, ſhall, at the ſame time, have obtained any warrant or proceſs againſt the goods and chattels of the ſame perſon or perſons.

Qualification of commiſſioners for executing the aforefaid acts.

VII. And be it further enacted, That, from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and eighty five, no perſon ſhall be capable of acting as a commiſſioner in the execution of the ſeveral acts herein-before mentioned, unleſs ſuch perſon ſhall be a houſholder within the diſtrict,

frict, city, liberty, or place, for which he shall act, and shall be possessed of a real estate of the annual value of twenty pounds, or of a personal estate of the value of five hundred pounds: and if any person, not being so qualified, shall presume to act as a commissioner in the execution of any of the said acts, such person so acting shall forfeit and pay the sum of twenty pounds to any person or persons who shall sue for the same; to be recovered in any of his Majesty's courts of record at *Westminster*, with full costs of suit, by action of debt, or on the case, wherein no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; and the person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said penalty, upon proof being given of his having acted as a commissioner in the execution of any of the said acts; provided such action or suit be commenced within six calendar months next after the offence committed.

Penalty on acting not being qualified.

VIII. And be it further enacted, That this act shall be deemed, adjudged, and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

Publick act.

C A P. XLVI.

An act for the more effectual transportation of felons, and other offenders, in that part of Great Britain called Scotland, and to authorize the removal of prisoners in certain cases.

WHEREAS an act was passed in the last session of parliament, intituled, An act for the effectual transportation of felons, and other offenders; and to authorize the removal of prisoners in certain cases; and for other purposes therein mentioned: and whereas the said act does not extend to that part of Great Britain called Scotland; but it is expedient that his Majesty be empowered, with the advice of his privy council, to appoint certain places, as well out of his Majesty's dominions as within the same, to which criminals, when condemned to transportation in that part of the kingdom, may be conveyed; and that other regulations be made for the more effectual transportation of such offenders there: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of July, one thousand seven hundred and eighty-five, when any person or persons shall be lawfully convicted, before any court, competent for the trial of crimes in *Scotland*, of any offence for which the punishment of transportation or banishment beyond seas may be inflicted, it shall and may be lawful for the said court to order and adjudge, that such person or persons so convicted as aforesaid, shall be transported beyond the seas, in like manner as now is in use; and, in every such case,

Preamble.

Recital of 44 Geo. 3. c. 56.

Persons convicted of transportable crimes in Scotland, may be transported.

to such places as his Majesty, in council, shall appoint.

case, it shall and may be lawful for his Majesty, by and with the advice of his privy council, to declare and appoint to what place or places, part or parts beyond the seas, either within his Majesty's dominions, or elsewhere out of his Majesty's dominions, such offenders shall be conveyed or transported; and such court is hereby authorised and impowered to adjudge the services of such offenders, and to order them to be transferred to the use of any person or persons, and his or their assigns, who shall contract for the due performance of such transportation: and when his Majesty, his heirs and successors, shall be pleased to extend mercy to any offender or offenders, who hath or have been, or shall be under sentence of death, in that part of *Great Britain* called *Scotland*, upon condition of transportation to any place or places, part or parts beyond seas, either for term of life, or any number of years, and such intention of mercy shall be signified by one of his Majesty's principal secretaries of state, it shall be lawful for any court, having proper authority, to allow such offender or offenders the benefit of a conditional pardon, and (except in cases where such offender or offenders shall be authorised by his Majesty to transport himself, herself, or themselves) to order the transfer of such offender or offenders to any person or persons who shall contract for the due performance of such transportation, and his or their assigns, for such and the same term of years for which any such offender or offenders shall have been ordered to be transported, or for such term of life or years as shall be specified in such condition of transportation as aforesaid; and such person or persons so contracting as aforesaid, his or their assigns, by virtue of such order of transfer as aforesaid, shall have a property in the services of such offender or offenders for such terms respectively.

If his Majesty should extend his mercy to any offender capitally convicted, the court may order him to be transported.

Persons contracting to transport offenders, may carry them through any county to the sea-port. Penalty on rescuing them, etc.

II. And be it further enacted by the authority aforesaid, That the person or persons so contracting as aforesaid, to whom any offender shall be delivered in order to be transported, or any other person or persons lawfully authorised, may, in such manner as they shall think fit, carry and secure the said offenders in and through any county of *Great Britain*, towards the sea port or place from whence they are to be transported; and if any person or persons shall rescue such offenders, or any of them, or assist them, or any of them, in making their escape from such person or persons as shall have them in their custody, as aforesaid, he, she, or they shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy by the law of *England*.

If any person ordered for transportation, etc. shall be found at large in *Great Britain* or *Ireland*, before the expiration

III. And be it further enacted by the authority aforesaid, That if any offender or offenders, who shall be so ordered by such court as aforesaid, to be transported beyond the seas, or who shall agree to transport himself or herself on certain conditions, either for life or any number of years, to any such place or places, part or parts, as shall be appointed by his Majesty in manner aforesaid, shall be afterwards at large within any part of the kingdom of *Great Britain* or *Ireland*, without some lawful cause,

cause, before the expiration of the term for which such offender or offenders shall have been ordered to be transported beyond the seas, or shall have so agreed to transport himself or herself as aforesaid, every such offender being at large as aforesaid, being thereof lawfully convicted, shall suffer death as in cases of felony, without benefit of clergy, by the law of *England*; and such offender or offenders, being so found at large in that part of *Great Britain* called *Scotland*, may and shall be tried there before any court of competent jurisdiction for the trial of the original offence: and whoever shall discover and prosecute to conviction any such offender or offenders, so being at large as aforesaid, shall be entitled to a reward of twenty pounds for every such offender so convicted: provided nevertheless, That his Majesty, his heirs and successors, may pardon and dispense with such transportation, and allow of the return of any such offender to the kingdom of *Great Britain*.

tion of his term, he shall suffer death.

Persons discovering and prosecuting such offenders, intitled to a reward of 20l.

IV. And be it enacted by the authority aforesaid, That, from and after the passing of this act, it shall be lawful for his Majesty, from time to time, by an order in writing, to be notified by one of his principal secretaries of state, or for any two or more of the lords of justiciary in *Scotland*, who shall be authorized by his Majesty under his sign manual, to direct the removal of any male offender or offenders who now is or are, or hereafter shall be under sentence of death, but reprieved during his Majesty's pleasure, or under sentence or order of transportation, in that part of *Great Britain* called *Scotland*, and who, having been examined by an experienced surgeon or apothecary, shall appear to be free from any putrid or infectious distemper, and fit to be removed from the gaol or prison in which such offender or offenders shall be confined, to such place of confinement within *Great Britain*, either at land or on board any ship or vessel in the River *Thames*, or any navigable or other river, or within the limits of any port of *Great Britain*, as his Majesty, or others legally authorized as aforesaid, shall from time to time appoint; and every offender, who shall be so removed, shall continue in the said place of confinement, or be removed to or confined in any other such place or places as aforesaid, as his Majesty, or any others duly authorized as aforesaid, from time to time, shall appoint, until such offender shall be transported according to law, or by the expiration of the term of such transportation, or otherwise, shall be intitled to his liberty, or until such offender be returned to the gaol or prison from which he shall have been so removed; and the sheriff, magistrate, or gaoler, having the custody of any offender, whose removal shall be ordered in manner aforesaid, shall, with all convenient speed, after the receipt of the notification of any such order, convey, or cause to be conveyed, every such offender to the place appointed, and there deliver him, together with a certificate, containing his christian name, surname, and age, and also the offence for which, and the court in which he was convicted, and

His Majesty impowered to order, or to authorize two lords of justiciary to order, the removal of male prisoners under sentence of death, etc. from any gaol in *Scotland* to any other in *Great Britain*, etc.

Gaoler to deliver offenders according to such orders, with a proper certificate.

the

the purport of his or her fentence, to the overfeer or overfeers of the faid place to which fuch offender is fo fent, who fhall give a proper receipt, in writing, to the fheriff, magiftrate, or gaoler, for his exoneration.

Expences of removal how to be paid.

V. And be it enacted by the authority aforefaid, That all fees and expences attending fuch removal, fhall be paid in the fame manner as has been praftifed in *Scotland* in the cafe of transportation beyond feas.

Overfeers, to whom fuch prifoners are delivered, to have the fame powers over them as gaolers, etc.

VI. And be it enacted by the authority aforefaid, That after the removal of any offender under this act, the overfeer who fhall have the cuftody of him fhall, during the term of fuch cuftody, have the fame powers over him as are incident to the office of a fheriff or gaoler, and in like manner be answerable for any efcape of fuch offender, and alfo, during fuch cuftody, fhall feed and cloath fuch offender, and fhall keep him to labour at fuch places, and under fuch direftions, limitations, and reftriptions, as his Majefty, or others duly authorized as aforefaid, fhall, from time to time, by any order to be directed to fuch overfeer or overfeers for their inftruction, appoint.

Time of imprisonment to be deemed part of the term of transportation.

Overfeers may inflict moderate punishment for mifbehaviour, etc.

VII. And it is hereby declared, That the time during which any offender fhall have continued in gaol under fentence of transportation, or; being removed under the provifions aforefaid, fhall continue confined by virtue of this act, fhall be taken and reckoned in difcharge, or part difcharge or fatisfaction of the term of his transportation: and if, during fuch confinement under this act, he fhall be guilty of any diforderly conduct, it fhall be lawful for the overfeer or overfeers, having the cuftody of him, to inflict, or caufe to inflict fuch moderate punishment or correction as may be inflicted by law on perfons committed to a houfe of correction; and if any fuch offender fhall break from, or unlawfully efcape from the cuftody of fuch overfeer, or overfeers; or if any perfon fhall refcue, or attempt to refcue, or affift in refcuing, any fuch offender from fuch cuftody; or fhall convey, or caufe to be conveyed, any difguife, inftrument, or arms, to fuch offender; every fuch offence fhall be punishable in the fame manner as if fuch offender had been confined in a gaol or prifon, in the cuftody of the fheriff, magiftrate, or gaoler, for the crime of which fuch offender fhall have been convicted.

If offenders cannot conveniently be transported to the place mentioned in their fentence, two judges of the court of jufticiary may order them to

VIII. And be it further enacted by the authority aforefaid, That if any offender, within that part of *Great Britain* called *Scotland*, hath already been ordered to be transported to any part beyond the feas, or if any order fhall at any time hereafter be made for the transportation of any fuch offender, and fuch order cannot be conveniently executed with refpect to the place in fuch order mentioned, it fhall be lawful for any two or more of the judges of the court of jufticiary to order that fuch offender fhall be transported to any other part or place beyond the feas, which fhall have been appointed by his Majefty, with the advice of his privy council as aforefaid, for the transportation

tion of fuch offenders, in fuch and the like manner, and for the fame term of years, as fuch offender is or fhall be liable to be transported to the place mentioned in the original fentence or order for his or her transportation; and fuch order fhall be confidered as made at the fame time, and fhall be as effectual to every intent and purpofe, and fhall have all the fame confequences in every refpect, as the original order for the transportation of fuch offender; and fuch offender fhall be transferred, conveyed, and made over, to any perfon who will contract for the performance of fuch transportation, and to his or their affigns, in like manner as if fuch offender had been transported to the place mentioned in the original order of transportation; and fuch perfon or perfons fo contracting as aforefaid, his or their affigns, by virtue of fuch order of transfer as aforefaid, fhall have a property in the fervice of the faid offender, for the remainder of the term for which the offender was originally ordered to be transported; and in cafe fuch offender fo ordered for transportation, fhall be afterwards at large within any part of the kingdom of *Great Britain*, without fome lawful caufe, before the expiration of the term for which fuch offender fhall have been ordered to be transported, every fuch offender, being thereof lawfully convicted, fhall fuffer death, as in cafes of felony, without benefit of clergy, and fhall be tried before fuch judges, and in fuch manner, and the fame evidence made ufe of for his or her conviction, as fhall be directed by the laws now in being, or hereafter to be made, for the trial of other offenders found at large within this kingdom before the expiration of the term for which they were ordered to be transported; and whoever fhall difcover and profecute to conviction any fuch offender, fo being at large within this kingdom as aforefaid, fhall be intitled to a reward of twenty pounds for every fuch offender fo convicted.

be transported to any other place appointed by his Majefty for the transportation of fuch offenders.

Offenders returning before the expiration of their term, to fuffer death.

20l. reward for profecuting fuch offenders.

IX. And be it further enacted by the authority aforefaid, That all actions, fuits, and profecutions, to be commenced againft any perfon or perfons, for any thing done in purfuance of this act, fhall be laid and tried in the county and place where the fact was committed, and fhall be commenced within fix calendar months after the fact committed, and not otherwife.

Limitation of actions.

X. And be it enacted by the authority aforefaid, That the provifions of this act, fo far as the fame extend to authorife the removal of offenders to temporary places of confinement, fhall continue to be in force until the firft day of *June*, one thoufand feven hundred and eighty-feven, and from thence until the end of the then next feffion of parliament.

Continuance of this act.

C A P. XLVII.

An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred.

Preamble.

Coaches, etc.
20. Geo. 2.
c. 10.

16 Geo. 3.
c. 34.

WHEREAS by an act, made in the twentieth year of his late majesty King George the Second, intituled, An act for granting to his Majesty several rates and duties upon coaches, and other carriages therein mentioned; and for raising the sum of one million, by way of lottery, to be charged upon the said rates and duties; it was enacted, That, from and after the twenty-fifth day of March, one thousand seven hundred and forty-seven, there should be raised and paid, unto and for the use of his Majesty, his heirs and successors, for and upon every coach, berlin, landau, chariot, calash with four wheels, chaise-marine, chaise with four wheels, and caravan, or by what name soever such carriages then were, or thereafter might be called or known, that should be kept by or for any person for his or her own use, or to be let out to hire, (except such coaches and other carriages as then were, or thereafter might be licensed by the commissioners for the duties arising by hackney coaches,) the yearly sum of four pounds; and for and upon every calash, chaise, and chair, with two wheels, or by what name soever such carriages then were, or thereafter might be called or known, to be drawn by one or more horses, that should be kept by or for any person or persons for his or their own use, or to be let out to hire, the yearly sum of forty shillings; which said several rates and duties should be paid by the person or persons keeping such carriages; and the said rates and duties were put under the management of the commissioners of excise in England and Scotland respectively; in which act there was a clause, exempting publick stage coaches from the said duty of four pounds: and whereas by an act, made in the sixteenth year of his present Majesty, intituled, An act for granting to his Majesty several duties on coaches, and other carriages therein mentioned; and several rates and duties upon indentures, leases, bonds, and other deeds; and upon cards, dice, and newspapers; and for raising the sum of two millions by annuities, and a lottery to be attended with annuities; an additional duty of twenty shillings a year was imposed upon every four-wheeled carriage, liable to the duty of four pounds by the said act of the twentieth year of his late Majesty; which before mentioned act of the sixteenth year of his present Majesty also imposed the yearly duty of five pounds for and upon every coach, berlin, landau, chariot, calash with four wheels, chaise-marine, chaise with four wheels, and caravan, or by what name soever such carriages then were, or thereafter might be called or known, that should be kept by or for any person or persons as publick stage coaches, (except such coaches and other carriages as then were, or thereafter might be licensed

licensed by the commissioners for the duties arising by hackney coaches,) to be paid by the person or persons keeping the same, who were to be under the like rules, directions, and penalties, as persons keeping coaches for their own use, or to let out for hire, were by the said act of the twentieth of George the Second: and whereas, by virtue of an act, made in the nineteenth year of his present Majesty, intituled, An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the re-^{19 Geo. 3.}
^{c. 25.} spective commissioners of the customs and excise in Great Britain; and of two other acts, one made in the twenty-first year of his present Majesty, and the other in the twenty-second year of his present Majesty, three several additional duties of five pounds per centum became charged upon the produce and amount of the said duties, so laid by the said recited acts of the twentieth year of George the Second, and sixteenth year of his present Majesty: and whereas by an act, made in the twenty-second year of his present Majesty, there was charged an additional duty of twenty shillings a year for and upon every coach, berlin, landau, chariot, calash with four wheels, chaise-marine, chaise with four wheels, and caravan, or by what name soever such carriages then were or thereafter might be called or known, that should be kept by or for any person for his or her own use, or to be let out to hire, or that should be kept by or for any person or persons as publick stage coaches (except such coaches and other carriages as then were, or thereafter might be licensed by the commissioners for the duties arising by hackney coaches;) and also for and upon every calash, chaise, and chair with two wheels, or by what name soever such carriages then were or thereafter might be called or known, to be drawn by one or more horses, that should be kept by or for any person or persons for his, her, or their own use: and it was further enacted, That the said several additional duties therein-before granted should be moreover subject to the additional duty of five pounds per centum and five pounds per centum on the produce thereof respectively, in the same manner as the additional duties of five pounds per centum and five pounds per centum were granted by the said recited acts of the nineteenth year and the twenty-first year of his present Majesty: and whereas, by an act made in the twenty-third year of his present Majesty, intituled, An act for granting to his Majesty several^{21 Geo. 3.}
^{c. 17. and}
^{22 Geo. 3.}
^{c. 66.} rates and duties upon waggons, wains, carts, and other such carriages, not charged with any duty under the management of the commissioners of excise, it was enacted, That, from and after the first day of November, one thousand seven hundred and eighty-three, there should be paid unto his Majesty, his heirs and successors, the several rates and duties following, (that is to say;) That every person who should keep any waggon, wain, cart, or other such carriage, with three or four wheels (except such carriages as then were charged with any duty under the management of the commissioners of excise,) should yield and pay annually four shillings for every such waggon, wain, or other such carriage as aforesaid, which should be expressed in a licence for that purpose; and that every person who should keep any cart or other carriage with two wheels (except such^{23 Geo. 3.}
^{c. 66.} carriages

24 Geo. 3.
c. 31.

carriages as were then charged with any duty under the management of the commissioners of excise,) should yield and pay annually two shillings for every such cart or other carriage, which should be expressed in a licence for that purpose; and the said duties were placed under the receipt and management of the commissioners of stamps: and whereas by an act, passed in the last session of parliament, intituled, An act for granting to his Majesty certain duties on horses kept for the purpose of riding, and on horses used in drawing certain carriages, in respect whereof any duty of excise is made payable, it was enacted, That, from and after the twenty-ninth day of September, one thousand seven hundred and eighty-four, there should be paid, throughout the kingdom of Great Britain, unto his Majesty, his heirs and successors, amongst other duties, the duties following; (that is to say,) every person who should keep and use any horse, mare, or gelding, for the purpose of riding, or for the purpose of drawing any coach, berlin, landau, chariot, calash, chaise, or any other carriage, by whatsoever name such carriage was then or thereafter might be called or known, for or in respect whereof any rate or duty under the management of the commissioners of excise, then was payable by any statute then in force, should yield and pay annually for every horse, mare, or gelding, the sum of ten shillings; and for levying the said duty on horses it was enacted, That the same should be under the government, care, and management of the commissioners of stamps, in manner therein mentioned; in which said act is contained a proviso, exempting from the said duty certain horses therein particularly described: and whereas it is expedient that the said duties on carriages, now or heretofore under the management of the commissioners of the excise, granted by the said several and recited acts, should be repealed; be it further enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-five, the said duties, imposed by the said several and recited acts, shall cease, determine, and be no longer paid or payable.

The duties granted by the recited acts repealed.

New duties.

II. And be it further enacted, That, for and in lieu of the said duties, there shall be charged and paid unto and for the use of his Majesty, his heirs and successors, the respective duties following; (that is to say,)

For every coach, landau, or other four-wheeled carriage, (except hackney coaches)

7l. per ann.

For every calash, chaise, or

For and upon every coach, berlin, landau, chariot, calash with four wheels, chaise-marine, chaise with four wheels, and caravan, or by what name soever such carriages now are or hereafter may be called or known, that shall be kept by or for any person for his or her own use, or to be let out to hire (except such coaches and other carriages as now are or hereafter may be licensed by the commissioners for the duties on hackney coaches,) the yearly sum of seven pounds:

For and upon every calash, chaise, or chair with two or three wheels, or by what name soever such carriages now are

or

or hereafter may be called or known, to be drawn by one or more horses, that shall be kept by or for any person or persons for his or their own use, or to be let out to hire, the yearly sum of three pounds and ten shillings.

other carriage with two or three wheels 3l. 10s. per ann.

III. *And whereas it is apprehended, that the said recited duties on carriages and horses may be more conveniently and effectually collected under the management of the commissioners for the affairs of taxes, than under the management of the said commissioners of excise and stamps respectively;* be it therefore enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, the several powers, rules, methods, regulations, and provisions by the said recited acts of the twentieth year of the reign of his late majesty King *George* the Second, and the sixteenth, nineteenth, twenty-first, and twenty-second years of his present Majesty, or any of them, given, prescribed, and made, for ascertaining, paying, collecting, and securing the said recited duties on carriages, under the management of the commissioners of excise; and also, that from and after the tenth day of *October*, one thousand seven hundred and eighty-five, the several powers, rules, methods, regulations, and provisions, by the said recited acts of the twenty-third and twenty-fourth years of his present Majesty, or either of them, given, prescribed, and made, for ascertaining, paying, collecting, and securing the said recited duties on waggons, wains, and other such carriages not charged with any duty under the management of the commissioners of excise; and also on horses kept for the purpose of riding, or in drawing certain carriages, in respect whereof any duty of excise is made payable, or for limiting the time or manner of paying the same, and all penalties and forfeitures in respect thereof, shall cease and determine.

From July 5, 1785, the provisions in the recited acts which place the duties under the management of commissioners of excise and of stamps repealed.

IV. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to remove from the management of the commissioners of stamps the licences granted by them to any person or persons exercising the trade and business of an horse dealer, nor to remove the management of the duties charged on the owners of horses entered to start or run for any plate, prize, sum of money, or other thing.

Not to remove from commissioners of stamps the licences granted to horse dealers, etc.

V. Provided always, and be it further enacted, That, from after the said fifth day of *July*, one thousand seven hundred and eighty-five, so much of the said recited act of the twenty-third year of his present Majesty, charging duties upon waggons, and other carriages therein mentioned, as requires the said duties to be expressed in a licence for keeping such waggons and carriages, shall be no longer in force, but from thenceforth the same duties shall be payable as if they had been granted without requiring the form of any such licence.

Licences for keeping waggons not necessary.

VI. Provided also, and be it further enacted, That nothing herein-before contained shall be construed to affect the recovery of any arrears which may, on the said fifth day of *July* or tenth day

Not to affect the recovery of arrears or of forfeitures.

day of *October*, one thousand seven hundred and eighty-five, respectively, remain unpaid of any of the said duties, the receipt and management of which are transferred by this act, or the recovery of any penalty or forfeiture which may have been incurred on or before the same days.

- From July 5, 1785, the duties on carriages, the duties on waggons, etc. and on horses, shall be assessed, etc. by such persons, and in like manner, as the duties on houses and windows, granted by 20 Geo. 2. c. 3;
- 20 Geo. 2. c. 42;
- 21 Geo. 2. c. 10;
- 26 Geo. 2. c. 17;
- 31 Geo. 2. c. 22;
- 2 Geo. 3. c. 8;
- 6 Geo. 3. c. 38;
- 19 Geo. 3. c. 59;
- VII. And be it further enacted, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-five, the duties hereby imposed on carriages, heretofore under the management of the commissioners of excise, and also the said duties on waggons, wains, and other such carriages, and on horses, charged by the said recited acts, or any of them, shall be assessed, raised, levied, collected, and received, by such persons, in such and the like form and manner, and with such allowances, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions, as are prescribed or appointed for assessing, raising, levying, collecting, receiving, and paying the duties on houses, and windows or lights, in and by an act, made in the twentieth year of the reign of his late Majesty, intituled, *An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties;* and by another act, made in the twentieth year of the reign of his said late Majesty, intituled, *An act to enforce the execution of an act of this session of parliament, for granting to his Majesty several rates and duties upon houses, windows, or lights;* and by an act made in the twenty-first year of his said late Majesty's reign, intituled, *An act for explaining, amending, and further enforcing the execution of an act, passed in the last session of parliament, intituled, "An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties;"* and by an act, made in the twenty-sixth year of the reign of his said late Majesty, intituled, *An act for the more effectual levying of the duties upon windows or lights, in that part of Great Britain called Scotland;* and by an act, made in the thirty-first year of his said late Majesty, intituled, *An act for granting to his Majesty several rates and duties upon offices and pensions; and upon houses, and upon windows or lights; and for raising the sum of five millions by annuities and a lottery, to be charged on the said rates and duties;* and by an act, made in the second year of the reign of his present Majesty, intituled, *An act for granting to his Majesty several rates and duties upon windows or lights;* and by an act, made in the sixth year of his present Majesty, intituled, *An act for repealing the several duties upon houses, windows, and lights; and for granting to his Majesty other duties upon houses, windows, and lights;* and by another act, made in the nineteenth year of his present Majesty, intituled, *An act for repealing the duties on all inhabited*

inhabited houfes, imposed by an act made in the laſt ſeſſion of parliament; and for granting to his Maſteſty other duties upon all inhabited houſes in Great Britain, and for amending the ſaid act; and alſo for amending ſo much of an act, made in the ſeventeenth year of the reign of his preſent Maſteſty, as impoſes a duty upon all ſervants retained or employed in the ſeveral capacities therein mentioned; and by another act, made in the twenty-fourth year of his preſent Maſteſty, intituled, An act for repealing the ſeveral duties on tea, and for granting to his Maſteſty other duties in lieu thereof; and alſo ſeveral duties on inhabited houſes; and upon the importation of cocoa nuts and coffee; and for repealing the inland duties of exciſe thereon; or in or by any of the ſaid acts; and all the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters and things, now in force, contained in the ſaid acts, relative to the duties on houſes and windows or lights, for aſſeſſing, raiſing, levying, and paying the rates and duties thereby granted, ſhall be in full force, and be duly obſerved, practiſed, and put in execution, throughout the kingdom of Great Britain, for aſſeſſing, raiſing, levying, collecting, and paying, the ſaid duties hereby placed under the management of the ſaid commiſſioners for the affairs of taxes, as fully and effectually, to all intents and purpoſes, as the ſame are or may be for aſſeſſing, raiſing, levying, collecting, and charging the rates and duties granted by the ſaid acts on houſes and windows, and on inhabited houſes, ſo far as the ſaid powers, rules, authorities, and penalties, are applicable thereunto, and not altered by this act.

24 Geo. 3.
c. 38.

VIII. And be it further enacted, That the ſaid duties, heretofore under the management of the commiſſioners of ſtamps, the management of which is hereby directed to be transferred, ſhall be paid into his Maſteſty's exchequer for, and applied to, the ſame uſes and purpoſes as were directed by the acts by which the ſame duties were granted.

The transferred duties to be applied as under the former acts.

IX. And whereas the duties on coaches, and other carriages, granted by the before recited act of the twentieth year of the reign of his late maſteſty King George the Second, were charged with the payment of certain annuities eſtabliſhed by the ſaid act, and afterwards, by an act of the twenty-fifth year of the reign of his ſaid late Maſteſty, made a part of the ſinking fund; and the duties granted by the ſaid recited acts of the ſixteenth and twenty-second years of the reign of his preſent Maſteſty, and alſo the ſeveral additional duties of five pounds per centum by the ſaid act of the nineteenth, and five pounds per centum by the ſaid act of the twenty-first, with five pounds per centum, and ten pounds per centum, granted by the ſaid act of the twenty-second year of the reign of his ſaid preſent Maſteſty, were reſpectively made a part or parts of the funds, granted for payment of annuities eſtabliſhed by ſundry acts of parliament, paſſed in the ſaid ſixteenth, nineteenth, twenty-first, and twenty-second years of the reign of his ſaid preſent Maſteſty; be it therefore enacted, That, from and after the fifth day of July, one thouſand ſeven hundred and eighty-five, out of the monies that ſhall ariſe and be paid into the receipt of his Maſteſty's exchequer of the ſaid

Recital of the application of the former duties.

Part of new duties to be applied in the ſame manner.

yearly duties of ſeven pounds, and of three pounds ten ſhillings, on the reſpective coaches, and other carriages, granted by this act, the ſum of twenty-two thouſand two hundred forty-fix pounds, being one fourth part of the annual ſum of eighty-eight thouſand nine hundred eighty-four pounds, ſhall, quarterly, on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the ſinking fund; the ſum of five thouſand four hundred twenty-two pounds, and five ſhillings, being one fourth part of the annual ſum of twenty-one thouſand ſix hundred and eighty-nine pounds, ſhall, quarterly on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the fund for payment of the annuities eſta- bliſhed by the afore-recited act of the ſixteenth year of the reign of his preſent Maſteſty; the ſum of one thouſand three hundred ſeventy-seven pounds, eighteen ſhillings, and eight-pence, being one fourth part of the ſum of five thouſand five hundred and eleven pounds, fourteen ſhillings, and eight-pence *per annum*, ſhall, quarterly, on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the fund for payment of the annuities eſta- bliſhed by the ſaid recited act of the nineteenth year of the reign of his preſent Maſteſty; the ſum of one thouſand three hundred fifty-seven pounds, eighteen ſhillings, and one penny, being one fourth part of the ſum of five thouſand four hundred and thirty-one pounds, twelve ſhillings, and four-pence *per annum*, ſhall, quarterly, on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the ſinking fund; and the ſum of ſeven thouſand three hundred twenty-fix pounds, eight ſhillings, and nine-pence, being one fourth of twenty-nine thouſand three hundred and five pounds, and fifteen ſhillings *per annum*, ſhall, quarterly, on the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, be carried to the fund granted for payment of the annuities eſta- bliſhed by the ſaid recited act of the twenty-second year of the reign of his preſent Maſteſty, and ſhall be iſſued, paid, and applied, according to the directions, and for the ſeveral uſes and purpoſes to which the ſame funds are reſpectively appropriated by the afore-recited acts; which ſeveral annual ſums afore-men- tioned, are the proportional ſums that have been applied out of the duties repealed by this act, according to a ſtatement made thereof.

How to pro-
ceed in caſe
of a deficien-
cy of duties.

X. And be it further enacted, That if, on any of the ſaid quarter days, the produce of the ſaid duties on coaches and other carriages hereby granted ſhall not be ſufficient to answer the above ſums to be carried to the reſpective funds as above directed, ſuch produce ſhall be carried to the ſeveral funds afore- ſaid, in the order in which the ſame are herein directed, ſo far as the ſaid produce in ſuch quarter will extend, and the defici- ency ſhall be ſupplied out of the produce of the next, or any future

future quarter; and in case there shall be a surplus remaining in the receipt of the exchequer of the monies arising by the said duties, over and above sufficient to satisfy the charges hereby made on the same, such surplus shall, from time to time, be reserved for the disposition of parliament, and shall not be issued but by the authority of parliament, and as shall be directed by any future act or acts of parliament for that purpose.

Surplus to be reserved for the disposition of parliament.

XI. And be it further enacted, That, for the better assessing, levying, collecting, and paying the said recited duties on coaches, carriages, and horses, the commissioners authorized or appointed, or who shall be hereafter authorized or appointed, for putting in execution the said acts relative to the duties on houses, and windows or lights, and inhabited houses, shall be commissioners for executing this present act, and the powers therein contained, in all and singular the counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places respectively, within the kingdom of *Great Britain*; and such commissioners, for the speedy execution of this act, shall, in the respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns, and places, for which they are or shall be appointed commissioners, meet for the first time on or before the fifth day of *July*, one thousand seven hundred and eighty-five, for the purpose of raising, levying, and collecting the duty on carriages, now or heretofore under the management of the commissioners of excise, and on or before the tenth day of *October*, one thousand seven hundred and eighty-five, for the purpose of raising, levying, and collecting the duties on waggons, wains, and other such carriages, and on horses; and afterwards shall in like manner meet yearly, and every year, at such day or time as the said commissioners for the time being shall think proper to appoint, on or before the thirtieth day of *April*; and shall then divide themselves to act in separate districts, and proceed in the execution of this present act, for assessing, raising, levying, and collecting the said recited duties on carriages and horses, in such and the same manner as is prescribed by the said acts relative to the duties on houses, and windows or lights, and inhabited houses, or any of them, with respect to the duties thereby imposed, except so far as any alteration is made by this act.

Commissioners of the aforementioned duties on houses, &c. to put this act in execution.

First meeting, &c.

XII. Provided always, and be it further enacted, That if, by any negligence or default, there shall not have been a meeting of the said commissioners for executing this act, within or at the times, or according to the manner hereby prescribed, the said commissioners, or any two or more of them, in the respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, and towns, in *Great Britain* respectively, wherein such default shall have happened, may and shall meet at any other time or times, as soon as may be after the time or times so prescribed, in order to execute the powers of this act, so as that the said recited duties on carriages and horses may be duly and effectually assessed, raised, levied, and paid to his Majesty,

Commissioners, on default of meeting on the day above-mentioned, may meet afterwards, etc.

his heirs and fucceffors, notwithstanding any fuch default or defect as aforefaid.

Oaths to be taken by commissioners.

XIII. Provided alfo, and be it further enacted, That no perfon fhall prefume to act as a commissioner in the execution of this act, (except in adminiftering the oath of qualification herein-after expreffed), until he fhall have taken the feveral oaths requifite to qualify him for acting as a commissioner of the feveral duties charged on houfes, windows or lights, and inhabited houfes, by any of the acts herein-before referred to, and alfo fhall have taken the following oath; (that is to fay,)

Swear oath.

I A. B. do fwear, That I will truly and faithfully execute the office of a commissioner, according to an act made in the twenty-fifth year of the reign of King George the Third, for transferring the receipt and management of certain duties therein mentioned from the commissioners of excife, and the commissioners of ftamps refpectively, to the commissioners for the affairs of taxes; and alfo for making further provifions in refpect to the faid duties fo transferred; and will determine, without favour or affection, upon all appeals which fhall be brought before me, under the faid act, according to the beft of my fkill and knowledge,

So help me G O D.

Penalty on acting before taking the oaths.

Which oath any two or more of the commissioners in the county, fhire, ftewartry, city, or place, where the affeffment is to be made, are hereby authorifed to adminifter; and if any perfon fhall act as a commissioner of this act, (except as aforefaid), before he fhall have taken fuch oaths as aforefaid, he fhall, for every offence, forfeit one hundred pounds.

The firft affeffment when to be made.

XIV. And be it further enacted, That the firft affeffment under this act, of the faid recited duties on carriages, now or heretofore under the management of the commissioners of excife, fhall be made for three quarters of a year, from the fifth day of July, one thoufand feven hundred and eighty-five; and of the faid recited duties on waggons, wains, and other fuch carriages, and on horfes, for half a year, from the tenth day of October, one thoufand feven hundred and eighty-five; and afterwards the affeffment of the faid recited duties on carriages and horfes fhall be made for one year, from the fifth day of April in every year.

Duties to be paid quarterly.

XV. And be it further enacted, That the faid recited duties on carriages and horfes, fo to be affeffed under this act, fhall be paid at the times, and in the manner following, (that is to fay), quarterly, on the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October, in every year, by equal portions; the firft of the faid payments to be made on the tenth day of October, one thoufand feven hundred and eighty-five, for the duties on carriages, now or heretofore under the management of the commissioners of excife; and on the fifth day of January, one thoufand feven hundred and eighty-fix, for the

the duties on waggons, wains, and other such carriages, and on horses.

XVI. Provided always, and be it further enacted, That all persons who, previously to the said fifth day of *July*, or tenth day of *October*, one thousand seven hundred and eighty-five, shall have already paid the aforesaid duties on carriages and horses, or any of them, for any part of the said three quarters or half year, for which the first assessments under this act are hereby directed to be made, or their respective executors or administrators, shall, after paying the said first assessments, have a right to receive back from the commissioners of excise, or commissioners of stamps, for the duties now or heretofore under their management respectively, or any officer or officers appointed by them, out of any monies which shall have been paid into, or be in their hands, such a proportion of the duties so already paid to the said commissioners of excise or stamps respectively, as shall be necessary to prevent a double payment of the said duties for the said three quarters or half year on the said first assessments, or for any part thereof; for which purpose the said commissioners of excise and stamps respectively are hereby required to make such orders, in respect to the time and manner of such repayments, as to them shall appear best calculated to effectuate the intention of this act, and to prevent a double charge.

Clause relative to persons who have paid the old duties in advance.

XVII. *And, for more effectually levying and collecting the said recited duties on carriages and horses under this act*, be it further enacted, That if at any time there shall be a neglect of appointment of assessors for the said duties on houses, and windows or lights; or if at any time the assessors appointed shall neglect what is required of them by this act, then, and in every such case, it shall be lawful to and for the surveyor or surveyors, or the inspector or inspectors, appointed or to be appointed under authority of the said acts, relative to the duties on houses, and windows or lights, or on inhabited houses, or any of them, and they are hereby authorized and required to do and perform such and the like services as, by the said acts, or any of them, are required from such assessors.

If assessors neglect their duty, surveyors, etc. may perform the same.

XVIII. And be it further enacted, That every person so appointed or to be appointed assessor as aforesaid, or any surveyor or inspector hereby authorized to act as an assessor, shall, before he presumes to act in the execution of the said office or employment, take (besides the oaths or affirmations required to be taken by assessors by the before-mentioned acts relative to the duties on houses, and windows or lights, or any of them) an oath, or, being one of the people called *Quakers*, make and subscribe a solemn affirmation, in the following form:

Oaths to be taken by assessors.

I A. B. do swear, [or affirm, as the case may require], That in making the assessment which by authority of an act made in the twenty-fifth year of the reign of King George the Third for transferring the receipt and management of certain duties therein mentioned, from the commissioners of excise, and the commissioners of stamps

stamps refpectively, to the commiffioners for the affairs of taxes, *I will charge all perfons according to the beft of my fkill and knowledge.*

So help me G O D.

Penalty on acting before taking the oath.

Which oath or affirmation any two or more of the commiffioners in the county, fhire, ftewartry, city, or place, where the affeffment is to be made, are hereby authorized and required to adminifter; and if any perfon fo appointed, or to be appointed, or hereby authorized to act as affeffor, fhall prefume to act in the execution of the faid office or employment, before he fhall have taken the aforefaid oath or affirmation, as the cafe fhall be, he fhall forfeit and pay, for every fuch offence, the fum of twenty pounds.

Notice to be given in the precepts of the appointment of affeffors.

XIX. And be it further enacted, That the faid commiffioners for executing this act fhall, in the precepts to be from time to time directed by them to the inhabitants of the parifhes or places within their refpective diftricts or divifions, naming whom they fhall think fit to be affeffors under the faid acts, relative to the faid duties on houfes, and windows or lights, or any of them, caufe notice to be inferted, that fuch perfons are alfo appointed affeffors of the faid recited duties upon carriages and horfes.

Affeffors to give notice in writing to perfons keeping carriages, etc. to produce lifts of the number kept by them within their diftricts, etc.

XX. And be it further enacted, That fuch perfons to be appointed affeffors as aforefaid, fhall, within fourteen days after fuch their appointment yearly, give or leave notice in writing, to or for every perfon keeping any carriage or horfe liable to the faid recited duties on carriages and horfes, or any of them, within the limits of the places for which fuch affeffors are to act, at his or her dwelling houfe, to prepare and produce, within the fpace of fourteen days next enfuing the day of giving fuch notice, one lift in writing of carriages, liable to the faid recited duties thereon, or any of them, kept by fuch perfon within fuch limits; the faid lift to describe the greateft number of fuch carriages which fuch perfon fhall have kept at any one time in the courfe of the year, ending on the fifth day of *April* preceding fuch notice; and to exprefs the denomination of each carriage, and its number of wheels, diftinguifhing which are kept for private ufe, and which for hire, and which are ufed as publick ftage coaches; and another lift in writing of the number of horfes, liable to the faid duties on horfes, kept and ufed by him or her within fuch limits; every fuch written lift to contain the greateft number by him or her kept and ufed in the courfe of the year, ending on fuch preceding fifth day of *April* as aforefaid; and every fuch perfon fhall, after fuch notice fo given or left, make out the faid lifts, or one of them, as the cafe may require, accordingly, and fign the fame with his or her own hand, and deliver the fame, or caufe the fame to be delivered to fuch affeffor or affeffors, at any time after the expiration of fourteen days from the faid notice being given, when he or they fhall call for the fame: and if any fuch perfon fhall neglect

or

or reſuſe to make out, ſign, and deliver ſuch liſts, or either of them, within the time before-mentioned, then ſuch aſſeſſor or aſſeſſors ſhall, from the beſt information he or they can obtain, make an aſſeſſment upon ſuch perſon, ſo reſuſing or neglecting, for or in reſpect of the number of carriages and horſes, liable to the ſaid recited duties, or any of them, ſo kept by him or her, diſtinguiſhing them in manner aforeſaid; and every ſuch aſſeſſment ſo made upon any ſuch neglect or reſuſal ſhall be final and concluſive upon the perſon thereby charged, who ſhall not be at liberty to appeal therefrom, unleſs ſuch perſon ſhall prove that he or ſhe was not at his or her dwelling houſe at the time of the delivery of ſuch notice, nor between that day and the time limited for delivering ſuch liſt as aforeſaid to the aſſeſſor; or unleſs ſuch perſon ſhall alledge and prove ſuch other excuſe for not having delivered his or her liſts or liſt, as the commiſſioners for executing this act ſhall, in their judgement, think reaſonable and ſufficient.

How aſſeſſor to proceed, in caſe ſuch liſts are not delivered.

XXI. Provided always, and be it further enacted, That the liſts, which ſhall be delivered, in manner herein-before mentioned, by order of the ſaid commiſſioners upon the firſt aſſeſſment to be made by virtue of this act, ſhall contain the greateſt number of ſuch carriages and horſes as aforeſaid, which the perſons from whom ſuch liſts are herein-before required ſhall reſpectively have at any time kept and uſed between the fifth day of July, one thouſand ſeven hundred and eighty-four, and the fifth day of April, one thouſand ſeven hundred and eighty-five.

Liſts to contain the greateſt number of carriages and horſes kept during the time to which they relate.

XXII. And, to the end that no perſon may pay the ſaid recited duties for the ſame carriages or horſes in more pariſhes or diſtricts than one, within the ſame year, be it further enacted, That if any perſon, having been aſſeſſed under this act in one pariſh or diſtrict for his or her carriages or horſes within the ſame, ſhall be again aſſeſſed in another pariſh or diſtrict, for or in reſpect of the ſame carriages or horſes, or any of them, in every ſuch caſe, the commiſſioners for this act, within ſuch latter pariſh or diſtrict, or the majority of the ſaid commiſſioners preſent, on any application for the purpoſe, may and are hereby required to alter any aſſeſſment of ſuch perſon ſo aſſeſſed twice, on proof given before them that ſuch perſon hath paid the ſaid duties, for or in reſpect of the ſame carriages or horſes in another place, and in what place ſpecifically, or hath been aſſeſſed for the ſame; which proof ſhall be made, as to the fact of payment, by producing a receipt ſigned by the collector to whom the ſame payment ſhall have been made, or, in default thereof, by other reaſonable evidence, to the ſatisfaction of the ſaid commiſſioners for putting in execution this act, or the majority of them, before whom ſuch evidence ſhall be offered; and the aforeſaid proof, as to the fact of the party having been aſſeſſed elſewhere, ſhall be made in like manner, either by producing a copy or certificate of the aſſeſſment ſigned by two or more commiſſioners of the diſtrict for which ſuch aſſeſſment ſhall have been made, (which copy or certificate the clerk then attending

Commiffioners, on application, to grant relief to perſons who have been aſſeſſed in different places for the ſame carriages or horſes.

the

the faid commissioners shall deliver *gratis* to the party requiring the fame), or, in default of fuch copy or certificate, then fuch proof shall be made by other evidence, to the fatisfaction of the commissioners present, or the majority of them.

Claufe relative to perfons who pay for carriages, etc. in different parishes.

XXIII. Provided always, and be it further enacted, That every person who shall be called upon by virtue of this act to give fuch lifts or lift as aforefaid, shall, when he or she shall give in fuch lifts or lift, at the fame time return a lift, or make a declaration, figned by him or her, of the number of fuch carriages and horfes as aforefaid refpectively he or she shall mean to pay for at every other place, fpecifying the particular parish or parishes, or diftrict or diftricts, wherein he or she shall mean to pay for fuch other carriages and horfes refpectively; and the faid affeffors shall enter the lift or declaration laft mentioned at the end of their feveral affeffments, and deliver them to the furveyor for each parish or diftrict, in order that he may tranfmit the particulars thereof to the commissioners for managing the affairs of taxes.

In cafe the lifts delivered to the affeffors shall be found deficient, they may furcharge the fame.

XXIV. And be it further enacted, That fuch affeffors as aforefaid shall not be bound by fuch lifts as shall be delivered to them refpectively, in purfuance of this act; but shall be at liberty, if they shall find, upon due examination, that any carriage or carriages, or horfe or horfes, is or are omitted in fuch lifts, to furcharge the fame, and make a true affeffment upon every person keeping fuch carriages or horfes within their refpective diftricts, of the real number of carriages or horfes kept by each fuch person, diftinguifhing every fuch carriage and horfe in manner herein before directed.

Affeffors to deliver their affeffments to the commissioners within 3 months after their appointment. Commissioners to fign the fame, and appoint collectors, etc.

XXV. And be it further enacted, That fuch affeffors as aforefaid shall, from time to time, make and deliver in writing their affeffments of the faid duties on coaches, carriages, and horfes, within the limits for which they are refpectively to act as aforefaid, unto the faid commissioners, for this act, or any two or more of them, within the fpace of three calendar months next after the time of their being fo appointed affeffors; and the faid commissioners, to whom fuch affeffments shall be fo delivered, or any two of them, shall, within the fpace of one calendar month next after the receipt of the fame refpectively, or as foon after as conveniently may be, fet their hands to the faid refpective affeffments, and to fuch furcharge or furcharges as shall or may have been made in the mean time, either by the fame affeffors, or by fuch furveyor or furveyors, infpector or infpectors as herein-after is or are mentioned, teftifying their allowance of the fame; and shall likewise nominate and appoint two of the perfons, named or prefented in each of fuch affeffments, to be collectors, or any other two fuch perfons as the faid commissioners for putting in execution this act, shall think able and refponsible for the refpective divisions and places for which collectors shall be fo prefented; and shall forthwith deliver, or caufe to be delivered, fuch affeffments, fo by the faid commissioners allowed of, unto the refpective perfons

persons by them nominated to be collectors, who are hereby enjoined and required to collect and pay the duties so assessed, and to give acquittances for the same; for whose paying unto the receiver-general, now or for the time being, appointed by his Majesty, or by the lord high treasurer for the time being, or the commissioners of the treasury for the time being, or any three or more of them, in the manner hereby directed, such money as they the said collectors shall be charged with under this act, the parish or place for which they are so employed shall be answerable.

XXVI. And be it further enacted, That every surveyor or inspector, appointed or to be appointed under or by virtue of the said several acts relative to the duties on houses, and windows or lights, shall be, and he is hereby impowered and authorized to inspect and examine any list or lists to be made out and signed by any such person keeping such carriages or horses as aforesaid, or any assessment or assessments for any parish or place, before the commissioners for putting in execution this act shall have signed and allowed the same, and to alter and amend any such list or lists, and assessment or assessments, if he or they shall see just cause for so doing; and every person in whose custody any such lists or assessments shall be, shall, and is hereby required, upon the request of any such surveyor or inspector as aforesaid, to produce the same: and if any such surveyor or inspector shall, after any such list or lists, and assessment or assessments, shall be so respectively made out, signed, and allowed as aforesaid, find or discover, upon his survey or examination, that any person who ought to be charged with the said recited duties on carriages and horses, or any of them, shall have been omitted to be charged therewith, or shall have been under-rated, such surveyor or inspector shall certify the same in writing under his hand, together with an account of every carriage and horse omitted, and its proper description according to the directions aforesaid, by way of surcharge, to any two or more of the said commissioners for putting in execution this act, in order to have such omission or under-rate rectified in the said assessment; and such commissioners are thereupon to cause the same to be rectified, and the duties levied accordingly.

Surveyors under the before mentioned acts may inspect the lists before they are signed, and amend them.

If surveyors discover any omissions after the lists are signed, they are to certify the same to the commissioners, etc.

XXVII. *And whereas some persons, liable to the said recited duties on carriages and horses, may neglect to deliver such lists and declarations as are herein-before required;* be it further enacted, That where any person liable, under the directions herein-before contained, to deliver such lists or declarations as aforesaid to the assessor or assessors, shall refuse or neglect, within the time herein-before prescribed, to deliver, or cause to be delivered, any such list or declaration, to such assessor or assessors, he or she so refusing or neglecting shall, for every such offence, forfeit the sum of ten pounds.

Penalty on neglecting to deliver lists and declarations.

XXVIII. *And, to the end that any persons keeping any carriages or horses liable to the aforesaid duties, or any of them, may deliver, or cause to be delivered, to the assessor or assessors, true lists and declarations*

Persons to be doubly rated for those car-

riages, etc. they omit in their lifts. One half of which furcharge to be allowed the affeffor or furveyor making the fame.

clarations of their refpective carriages and horfes; be it further enacted, That in all cafes where any affeffor, furveyor, or infpector, fhall make a furcharge upon any perfon for or in refpect of any carriage or horfe omitted to be inferted in any fuch lift or declaration as aforefaid, fuch furcharge fhall be made after the rate of double the duty for every carriage or horfe fo omitted; and the affeffor, furveyor, or infpector fo making fuch furcharge, fhall be, and is hereby intituled to, and fhall have and receive for his own ufe, one moiety of the fum charged by every furcharge which fhall be juftly made upon any fuch lift or declaration.

Inhabitant houfeholders to deliver lifts of lodgers who keep carriages, etc.

XXIX. *And whereas difficulties may fometimes arife in difcovering lodgers or inmates in any houfe, liable to pay the faid recited duties on carriages and horfes,* be it therefore further enacted, That the inhabitant houfeholder of any houfe, in which there fhall be any lodger or inmate keeping any carriage or horfe liable to the faid duties, fhall, within a week after a requifition by notice in writing left at any fuch houfe, from or by any affeffor, furveyor, or infpector of the faid duties on carriages and horfes, deliver to, or leave for, fuch affeffor, a lift, in writing, of every lodger or inmate in fuch houfe who fhall, at the time of delivering or leaving fuch lift, keep any carriage or horfe liable to the faid duties, or fhall have kept any fuch carriage or horfe from the tenth day of *October*, one thoufand feven hundred and eighty-four, on the firft affeffment under this act, and from the fifth day of *April* in each preceding year, on every future affeffment; which lift fhall exprefs the christian and furname of every fuch lodger or inmate, and fhall contain an account of every fuch carriage, with fuch defcription as is herein-before required, and of every horfe liable to the faid duty, to the beft of the knowledge and information of fuch inhabitant houfeholder: and if any inhabitant houfeholder fhall refufe to deliver any fuch lift, as herein-before mentioned, or fhall wilfully omit or mifreprefent any defcription which ought to be contained therein, he or fhe fo offending fhall, for every offence, forfeit ten pounds.

containing the names of the parties, etc.

on penalty of 10l.

Persons over-rated may appeal to the commissioners.

XXX. And be it further enacted, That if any perfon or persons fhall think himfelf, herfelf, or themfelves refpectively overcharged or over-rated by any affeffment, charge, or furcharge to be made by virtue or in purfuance of this act, it fhall be lawful for him, her, or them refpectively to appeal to the faid commissioners for putting in execution this act; and the faid commissioners, or any two or more of them, fhall, and they are hereby required to hear and determine all fuch appeals, except where it fhall appear to the faid commissioners that the perfon appealing fhall have omitted to deliver in his or her lift or lifts, or declaration, in manner aforefaid, and fhall not affign fufficient caufe, to the fatisfaction of the commissioners for fuch omiffion, in manner herein-before mentioned; in which cafe it fhall be lawful for the faid commissioners to difmifs the appeal; provided that at the time of hearing the fame appeal, a lift fhall

be

be produced, by or on the part of the appellant, upon his or her oath, of the greatest number of carriages and horses, within the district or limits of the places where such appeal shall be made, subject to the said recited duties, as shall have been kept by him or her at any time between the tenth day of *October*, one thousand seven hundred and eighty-four, and the fifth day of *July*, one thousand seven hundred and eighty-five, with respect to the space of time which shall have elapsed between the said tenth day of *October*, one thousand seven hundred and eighty-four, and the said fifth day of *July*, one thousand seven hundred and eighty-five; or with respect to any future year, the greatest number of such carriages and horses which shall have been so kept by him or her within the year preceding the fifth day of *April* in every such year, with such description and explanation, and also such list or declaration as to other districts, as is herein-before required; and all such appeals shall be heard and determined on the days to be appointed, and in the manner directed by the several acts herein-before mentioned with respect to the duties on houses, and windows or lights.

XXXI. And be it further enacted, That the said commissioners, or any of them, shall not, upon the hearing any appeal, make any abatement or defalcation in the charge or surcharge made upon any person by such assessment as aforesaid, or the surcharge of any such surveyor or surveyors as aforesaid, but the same shall stand good, and remain part of the annual assessment, unless it shall then appear to the said commissioners, by examination upon oath, that such person is over-rated in and by such assessment or surcharge; and every person intending to appeal to the said commissioners shall, and is hereby required to give at the least ten days notice thereof to the said surveyor, or to one or more of the assessors of the parish or place wherein such person is rated, of such intention to appeal, and such surveyor and assessors may then and there attend to justify the said assessment and surcharge; and such surveyor, and assessors, and appellant, shall have full power and free liberty to be present during all the time of hearing such respective appeals, and of the said commissioners determining the same: and the said commissioners are hereby authorised and impowered upon every such appeal, although they shall confirm the surcharge of such assessor, surveyor, or inspector, upon application of such appellant as aforesaid, to remit and strike off the penalty herein-before directed to be paid to such assessor, surveyor, or inspector surcharging such list, if they shall be of opinion that there was any doubt whether the carriage or horse so surcharged was rateable within the meaning of this act, and was not omitted by such appellant out of such list or lists, or declaration as aforesaid, with any intention to defraud the revenue.

XXXII. Provided always, and be it further enacted, That if on such examination on the hearing of such appeal, it shall appear to the said commissioners that such surcharge was falsely and

Appellant to deliver, on oath, a list of the greatest number of carriages, etc., kept by him.

Commissioners not to make any abatement in the charge, etc. unless it shall appear, on oath, that the appellant is over-rated. Ten days notice to be given of appeal.

Commissioners, in certain cases, may remit the penalty before directed to be paid to the assessor, etc.

Penalty on surveyors, etc. for making a false surcharge.

and vexatiously made; then, and in ſuch caſe, ſuch ſurveyor, aſſeſſor, or inſpector ſo ſurcharging, ſhall forfeit and incur ſuch penalties and puniſhments as in and by the ſaid acts relative to the duties on houſes, and windows or lights, are directed to be inflicted on ſurveyors, inſpectors, or aſſeſſors, for neglect of duty.

Determina-
tion of com-
miſſioners to
be final;

except, etc.

Perſons diſſa-
tisfied may,
in England,
appeal to the
court of
king's bench;

XXXIII. And be it further enacted, That all appeals once heard and determined by the ſaid commiſſioners, or any two or more of them, or the major part of them, then preſent, on the day or days by them appointed for hearing of appeals, ſhall be final, (except as herein-after excepted.)

and in Scot-
land, to the
court of ſeſ-
ſion, etc.

XXXIV. And be it further enacted, That if either the ſaid ſurveyor or inſpector, or the perſon ſo appealing, in that part of *Great Britain* called *England*, or in *Wales*, or in *Berwick upon Tweed*, ſhall apprehend the determination made by the ſaid commiſſioners to be contrary to the true intent and meaning of this act, and ſhall then declare himſelf or herſelf diſſatisfied with ſuch determination, it ſhall and may be lawful to and for ſuch ſurveyor or inſpector, or perſon reſpectively, to require the ſaid commiſſioners to ſtate ſpecially, and ſign the caſe upon which the queſtion aroſe, together with their determination thereupon; and the ſaid commiſſioners, or the major part of them then preſent, are hereby required to ſtate and ſign ſuch caſe accordingly, and cauſe the ſame to be delivered to the party making ſuch requeſt as aforeſaid, to be by him or her tranſmitted to one of the juſtices of the court of king's bench or common pleas, or to one of the barons of the court of exchequer, for the time being; and every ſuch juſtice and baron is hereby required, with all convenient ſpeed, to return an answer to ſuch caſe ſo tranſmitted, with his opinion thereupon ſubſcribed thereto, according to which opinion ſo certified, the aſſeſſment which ſhall have been the cauſe of the appeal, ſhall be altered or confirmed: and if either the ſaid ſurveyor, or the perſon ſo appealing, in that part of *Great Britain* called *Scotland*, ſhall apprehend the determination made by the ſaid commiſſioners to be contrary to the true intent and meaning of this act, and ſhall then declare himſelf or herſelf diſſatisfied with ſuch determination, it ſhall and may be lawful to and for ſuch ſurveyor, or perſon diſſatisfied reſpectively, to require the ſaid commiſſioners, or the major part of them then preſent, to ſtate ſpecially and ſign the caſe upon which the queſtion aroſe, together with their determination thereupon; which caſe the ſaid commiſſioners are hereby required to ſtate and ſign accordingly, and to cauſe the ſame to be delivered to the party making ſuch requeſt as aforeſaid, to be by him or her tranſmitted to one of the judges of the court of ſeſſion, or of the barons of the exchequer in *Scotland*; and every ſuch judge and baron is hereby required, with all convenient ſpeed, to return an answer to ſuch caſe ſo tranſmitted, with his opinion thereupon ſubſcribed thereto; according to which opinion ſo certified, the aſſeſſment which ſhall have been the cauſe of ſuch appeal, ſhall be altered or confirmed.

XXXV. Pro-

XXXV. Provided always, and be it further enacted, That, notwithstanding any ſuch caſe ſo tranſmitted to any of the ſaid juſtices, judges, or barons, the determination of the ſaid commiſſioners ſhall ſtand with reſpect to the payments which ſhall become due, precedent to the opinion certified by any ſuch juſtice, judge, or baron, upon ſuch caſe.

Proviſo, relative to caſes tranſmitted to the judges.

XXXVI. And be it further enacted, That every penalty or forfeiture which ſhall be incurred under this act of a greater ſum than twenty pounds, ſhall be recovered in any of his Maſteſty's courts of record at *Weſtmiſter*, if the matter ſhall ariſe within *England* or *Wales*, or the town of *Berwick upon Tweed*; or in the court of ſeſſion, court of juſticiary, or court of exchequer in *Scotland*, if the matter ſhall ariſe in that part of the united kingdoms, by action of debt, bill, plaint, or information; wherein no eſſoin, protection, privilege, wager of law, or more than one imparlance, ſhall be allowed; and one moiety of every ſuch penalty or forfeiture ſhall belong to his Maſteſty, his heirs or ſucceſſors, and the other moiety thereof to the perſon or perſons who ſhall inform and ſue for the ſame.

Penalties exceeding 20l. where to be recovered.

XXXVII. And whereas it frequently happens, that perſons occupying farms who keep horſes for the purpoſes of huſbandry only, and nevertleſs ride one of ſuch horſes to or from market, or church, or other place of publick worſhip, but do not uſe them for the purpoſe of riding on any other occaſion, and doubts have ariſen whether ſuch horſes were ſubject to the duty impoſed by the before recited act of the laſt ſeſſion of parliament; be it therefore enacted, That the aſſeſſments which are to be made under the authority of this act, ſhall be made for all horſes whatſoever belonging to any perſon within the kingdom of *Great Britain*, which ſhall, on any occaſion, be uſed for the purpoſe of riding, or in drawing any carriage now or hereafter ſubject to any exciſe duty.

All horſes uſed for riding, or in drawing coaches, etc. ſubject to the duty.

XXXVIII. Provided always, That upon any appeal to the acting commiſſioners in *England*, or the commiſſioners of ſupply in *Scotland*, from the aſſeſſment ſo made for ſuch horſe, and on proof, on oath made to the ſatisfaction of the ſaid commiſſioners, that ſuch horſe, for which any perſon occupying a farm, not worth more than one hundred and fifty pounds a year to be let, ſhall have been ſo aſſeſſed, has been only uſed for the purpoſe of riding to and from market, or church, or other place of publick worſhip, and to no other place, or for no other purpoſe of riding, it ſhall and may be lawful for the ſaid commiſſioners, and they are hereby required to make an abatement of the whole duty from the charge againſt the perſon to whom ſuch horſe ſhall belong.

Occupiers of land in certain caſes, to be excuſed the duty for one l. 12s.

XXXIX. And be it further enacted, That, in all caſes where the pecuniary penalty by this act impoſed doth not exceed the ſum of twenty pounds, it ſhall be recoverable before two or more juſtices of the peace of the county, riding, ſhire, ſtewartry, diſtrict, city, liberty, town, or place, wherein the offence ſhall be committed, on proof of the offence, either by the voluntary confeſſion of the party or parties accuſed, or by the

Penalties not exceeding 20l. recoverable before two juſtices;

and may be
levied by di-
strefs.

oath of one or more credible witness or witnesses; and one moiety of such last mentioned penalty shall belong to his Majesty, his heirs and successors, and the other moiety to the informer or informers prosecuting for the same; and in case of nonpayment, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and seals of such justices; and the overplus of the money raised, after deducting the penalty, and the expences of the distress and sale, shall be rendered to the owner; and, for want of sufficient distress, the offender shall be sent by such justices to the prison of such county, riding, shire, stewartry, city, liberty, town, or place, for such time, not exceeding six months, nor less than one month, as such justices shall think most proper.

Constables,
etc. to be aid-
ing in execut-
ing this act.

XL. And be it further enacted, That all constables and headboroughs, tithingmen, and other his Majesty's officers, shall and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and to obey and execute such precepts or warrants as shall be to them directed in that behalf by the respective commissioners hereby appointed, or any of them.

Limitation of
actions.

XLI. And be it further enacted, That all actions, suits, or informations, for any offence against this act, shall be brought within one year after the offence committed, and being brought after the time so limited, shall be void; and if any person or persons shall at any time or times be sued, molested, or prosecuted for any thing by him or them done or executed in pur-

General issue.

suance of this act, or of any clause, matter or thing, herein contained, such person or persons may plead the general issue, and give the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited,

Treble costs.

then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

C A P. XLVIII.

An act for granting to his Majesty certain stamp-duties on licences to be taken out by persons using or exercising the trade or business of a pawnbroker.

Most gracious Sovereign,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, towards raising the necessary supplies to defray your Majesty's public expences, have resolved to give and grant unto your Majesty the duties herein-after mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the au-
thority

thority of the fame, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, there shall be raised, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the use of his Majesty, his heirs and fucceffors, the rates and duties following; (that is to fay), all perfons ufing or exercifing the trade or bufinefs of a pawnbroker in *Great Britain*, fhall annually take out a licence for that purpofe in manner herein-after prefcribed :

From July 5, 1785, the following duties to be paid to his Majesty:

Where the perfon ufing or exercifing the trade or bufinefs of a pawnbroker as aforefaid, fhall refide within the cities of *London* and *Westminfter*, the parifh of *Saint Mary le Bone*, and *Saint Pancras*, in the county of *Middlefex*, or within the diftance of the bills of mortality, or within the borough of *Southwark* in the county of *Surrey*, there fhall be charged a ftamp duty of ten pounds :

By every pawnbroker refiding in London or Westminfter, &c. 10^s. per ann.

And where the perfon ufing or exercifing the trade or bufinefs of a pawnbroker as aforefaid, fhall refide in any other part of *Great Britain*, there fhall be charged a ftamp-duty of five pounds.

and in any other part of Great Britain, 5^s.

II. And be it further enacted, That, for the better and more effectual levying and collecting the faid duties herein-before granted, the fame fhall be under the government, care, and management of the commiffioners for the time being appointed to manage the duties charged on ftamped vellum, parchment, and paper; who, or the major part of them, are hereby required and impowered to employ fuch officers under them for that purpofe, and to allow fuch falaries and incidental charges as may be neceffary; and to provide and ufe fuch ftamps to denote the faid duties as fhall be requifite in that behalf; and to do all other things neceffary to be done for putting this act into execution, with relation to the faid rates and duties herein-before granted, in the like, and in as full and ample manner as they, or the major part of them, are or is authorized to put in execution any former law concerning ftamped vellum, parchment, and paper.

Duties to be under the management of commiffioners of ftamps.

III. And be it further enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, no perfon whatfoever required by this act to be licensed, fhall, unlefs he or fhe be licensed in manner herein-after prefcribed, receive or take, by way of pawn, pledge, or exchange, of or from any perfon or perfons-whomsoever, any goods or chattels for the repayment of money lent thereon, in *Great Britain*, upon pain to forfeit for every offence the fum of fifty pounds, to be recovered and applied as herein-after is directed.

Penalty on pawnbrokers acting as fuch without a proper licence.

IV. And be it further enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-five, any two or more of his Majesty's commiffioners appointed for managing the duties arifing by ftamps on vellum, parchment, and

Two commiffioners may grant licences.

paper, or some person duly authorifed by them, fhall grant licences to fuch perfons who fhall apply for the fame, to ufe or exercife the trade or bufinefs of a pawnbroker, as aforefaid, in any city, town, or other place within *Great Britain*, for the fpace of one year, to commence from the faid fifth day of *July*, one thoufand feven hundred and eighty-five, upon all licences to be granted on or before that day; and upon licences to be firft granted to any perfon or perfons after the faid fifth day of *July*, one thoufand feven hundred and eighty-five, to commence from the day of the date of every fuch licence: and all and every perfon and perfons who fhall take out fuch licence for ufing or exercifing the faid trade or bufinefs of a pawnbroker, fhall take out another licence for another year, ten days at leaft before the expiration of that year for which he or fhe fhall be fo licenfed, if he or fhe fhall continue to ufe and exercife the faid trade or bufinefs of a pawnbroker; and fhall in like manner renew fuch licence from year to year, paying down the refpective fums due for the ftamps on fuch licence, fo long as he or fhe fhall continue to ufe or exercife the trade or bufinefs of a pawnbroker.

Licences to be renewed annually.

Who fhall be deemed pawnbrokers.

V. And be it further enacted, That all perfons who fhall receive or take, by way of pawn, pledge, or exchange, of or from any perfon or perfons whomfoever, any goods or chattels for the repayment of money lent thereon, fhall refpectively be deemed pawnbrokers within the intent and meaning of this act, and fhall take out a licence for the fame accordingly.

Not to extend to perfons who lend money at or under 5 per cent.

VI. Provided always, That nothing in this act contained fhall extend, or be conftrued to extend, to any perfon or perfons who fhall lend money upon pawn or pledge, at or under the rate of five pounds *per centum per annum* intereft, without taking any further or greater profit for the loan or forbearance of fuch money lent, on any pretence whatever.

Not to keep more than one fhop by virtue of one licence.

VII. And be it further enacted, That no pawnbroker, or other perfon receiving or taking, by way of pawn, pledge, or exchange, any goods or chattels for the repayment of money lent thereon, licenfed or to be licenfed by authority of this act, fhall, by virtue of one licence, keep more than one houfe, fhop, or other place, for taking in goods or chattels to pawn; but for each and every houfe, fhop, or other place, which any perfon fhall keep for the purpofes aforefaid, a feparate and diftinct licence fhall be taken out and paid for by fuch pawnbroker or other perfon.

Perfons in partnership need take out only one licence.

VIII. Provided always, That perfons in partnership, and carrying on the trade and bufinefs of a pawnbroker in one houfe, fhop, or tenement only, fhall not be obliged to take out more than one licence, in any one year, for the carrying on fuch trade or bufinefs.

Stamps may be altered.

IX. And be it further enacted, That fuch ftamps as the commiffioners are hereby directed and authorifed to provide and ufe, fhall and may be altered and renewed in fuch manner as any

any other stamps on vellum, parchment, or paper, are, by any former law relating to stamped vellum, parchment, and paper, directed to be altered or renewed.

X. And be it further enacted, That if any person or persons shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, directed or allowed to be used, or provided, made, or used in pursuance of this act, for the purpose of denoting the duties by this act granted, or either of them; or shall counterfeit or resemble the impression of the same upon any vellum, parchment, or paper, with an intent to defraud his Majesty, his heirs and successors, of any of the said duties; or shall utter, vend, or sell, any vellum, parchment, or paper, with a counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeit; or if any person shall privately and fraudulently use any seal, stamp, or mark, directed or allowed to be used by this act, with intent to defraud his Majesty, his heirs or successors, of any of the said duties; then every such person so offending, and being thereof convicted, shall be adjudged a felon, and shall suffer death as in cases of felony without benefit of clergy.

Penalty on counterfeit-
ing stamps,
etc.

XI. And be it further enacted by the authority aforesaid, That all powers, provisions, articles, clauses, penalties, distribution of penalties, and all other matters and things prescribed or appointed by any former act or acts of parliament relating to the stamp-duties on vellum, parchment, and paper, shall be in full force and effect with relation to the duties hereby imposed; and shall be applied and put in execution for the raising, levying, collecting, and securing the said rates and duties hereby imposed, according to the true intent and meaning of this act, as fully, to all intents and purposes, as if the same had severally and respectively been hereby enacted with relation to the said new rates and duties hereby imposed.

Provisions of
former acts
relating to
stamp-duties
to be applied
in execution
of this act.

XII. And be it further enacted, That all pecuniary penalties imposed on any person or persons for offences committed against this act, shall and may be sued for and recovered in any of his Majesty's courts at *Westminster*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*, and in his Majesty's court of sessions, court of justiciary, or court of exchequer in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and wherein the plaintiff, if he or she shall recover any penalty or penalties, shall recover the same for his or her own use, with double costs of suit.

Penalties how
to be reco-
vered.

XIII. And be it further enacted by the authority aforesaid, That the several duties herein-before granted, shall be paid from time to time into the hands of the receiver general, for the time being, of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges

Duties to be
paid into the
exchequer.

and entered
feparate from
all other mo-
nies.

How to be
applied,

Defendants
may plead the
general iflue,

and have
treble cofts.

of raifing, paying, and accounting for the fame being deducted) into the receipt of his Majesty's exchequer, at fuch time, and in fuch manner, as the duties charged on stamped vellum, parchment and paper, are directed to be paid; and that in the office of the auditor of the fame receipt fhall be provided and kept a book or books, in which all the monies arifing from the faid feveral rates and duties, and paid into the faid receipt as aforefaid, fhall be entered feparate and apart from all other monies paid or payable to his Majesty, his heirs or fucceffors, upon any account whatsoever; and the faid money, fo paid into the faid receipt of exchequer as aforefaid, fhall be a fund for the payment of the feveral annuities, and all fuch other charges and expences as are directed to be paid and payable purfuant to an act of this prefent feffion of parliament, (intituled, *An act for granting annuities to fatisfy certain navy, victualling, and transport bills, and ordnance debentures.*)

XIV. And be it further enacted by the authority aforefaid, That if any perfon or perfons fhall at any time or times be fued, molefted, or profecuted, for any thing by him or them done or executed in purfuanee of this act, or of any claufe, matter, or thing herein contained, fuch perfon or perfons fhall or may plead the general iflue, and give the fpecial matter in evidence, for his, her, or their defence; and if upon the trial a verdict fhall pafs for the defendant or defendants or the plaintiff or plaintiffs become nonfuited, then fuch defendant or defendants fhall have treble cofts awarded to him or them againft fuch plaintiff or plaintiffs.

C A P. XLIX.

An act for granting to his Majesty certain duties upon licences to be taken out by coachmakers; and alfo certain duties upon carriages to be built for fale.

Moft gracious Sovereign,

Preamble.

Every coach-
maker in
Great Britain
to take out a
20s. licence
annually.

WE, your Majesty's moft dutiful and loyal fubjects, the commons of *Great Britain*, in parliament afsembled, towards raifing the neceffary fupplies to defray your Majesty's publick expences, have freely and voluntarily refolved to give and grant to your Majesty the feveral rates and duties upon licences to be taken out, in manner herein after mentioned, by every perfon carrying on the trade of a coachmaker; and upon coaches, or other carriages herein after mentioned, newly built for fale; and we do hereby moft humbly befeech your Majesty that it may be enacted; and be it enacted by the King's moft excellent majesty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament afsembled, and by the authority of the fame, That, from and after the fifth day of *July*, one thoufand feven hundred and eighty-five, every coachmaker within the kingdom of

Great

Great Britain shall yearly take out a licence in manner herein-after mentioned, and shall pay for the same to his Majesty, his heirs and successors, the sum of twenty shillings:

II. And be it further enacted, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-five, no person who now doth, or at any time hereafter shall, carry on the trade of a coachmaker within *Great Britain*, shall build, make, construct, or sell any coach, chaise, berlin, landau, chariot, calash with four wheels, chaise-marine with four wheels, or caravan, or by what name soever such carriages now are or hereafter may be called or known; or any calash, chaise, and chair, with two wheels, or by what name soever such carriages now are or hereafter may be called or known, or other carriage heretofore made subject to any duty of excise, until he or she shall have taken out such licence as above directed, for which licence he or she shall, immediately upon taking out thereof, pay down for the same the said sum of twenty shillings: and if any such licences shall be taken out within the limits of the chief office of excise in *London*, then such licences shall be granted under the hands and seals of two or more of his Majesty's commissioners of excise for the time being, or of such person or persons as the commissioners of excise shall from time to time appoint for that purpose, and the duties for the same shall be paid at the chief office of excise in *London*, or at such other place, and to such person or persons, as the said commissioners for the time being shall appoint; but if such licences shall be taken out in any part of *England* or *Wales* not within the said limits, or in the town of *Berwick upon Tweed*, such licences shall, in such case, be granted under the hands and seals of the several collectors and supervisors of excise within their respective collections and districts, and the duties shall be paid for the same to the collectors of excise within whose collection such licences shall be granted respectively; and if such licences shall be taken out within the limits of the city of *Edinburgh*, such licences shall be granted under the hands and seals of two or more of his Majesty's commissioners of excise in *Scotland* for the time being, or of such person or persons as the commissioners of excise in *Scotland* shall from time to time appoint for that purpose, and the duties for the same shall be paid at the chief office of excise in *Edinburgh*, or at such other place, and to such person or persons, as the said commissioners of excise in *Scotland* shall appoint; but if such licences shall be taken out in any other part in *Scotland*, without the limits aforesaid, then such licences shall be granted under the hands and seals of the several collectors and supervisors of excise within their respective collections and districts, and the several duties for the same shall be paid to the collector of excise within whose collection such licences shall be so granted; and such respective commissioners of excise, and the persons so to be appointed by them respectively, and also all such collectors, are hereby respectively authorised and required to grant and deliver such licences to the persons

From July 5, 1785, no coach, chaise, etc. to be made, until the maker has taken out such licence.

Where licences are to be taken out, and duties paid, in *England* or *Wales*;

and where in *Scotland*.

sons who fhall apply for the fame, upon their payment of the duties herein-before mentioned.

Licences to be renewed annually.

III. And be it further enacted, That all and every perfon and perfons who fhall take out any fuch licence as aforefaid, is and are hereby required to take out a frefh licence, ten days at leaft before the expiration of twelve calendar months after taking out the firft licence, before he, ſhe, or they fhall prefume to make, build, conſtruct, or fell, any of the carriages before mentioned; and in the ſame manner to renew every fuch licence from year to year, paying down the like ſum for each and every new or renewed licence as is by this act required for the firft licence, in manner, and at the places and times herein-before mentioned; and if any fuch perfon or perfons as aforefaid fhall, after the ſaid fifth day of *July*, one thouſand ſeven hundred and eighty-five, prefume or offer to make, build, conſtruct, or fell any of the carriages herein-before mentioned, without firft taking out fuch licence, and renewing the ſame yearly, in manner aforefaid, he, ſhe, or they fhall reſpectively forfeit and loſe the ſum of ten pounds for each offence.

Penalty on making any coach, etc without taking out a licence, and renewing the ſame yearly.

Perſons in partnership need not take out more than one licence for one houſe, etc.

IV. Provided always, and be it further enacted, That perſons in partnership, and carrying on their trade and buſineſs in one houſe or ſhop only, ſhall not be obliged to take out more than one licence in any one year for carrying on ſuch trade; and no one licence, which ſhall be granted by virtue of this act, ſhall authoriſe or empower any perſon or perfons, to whom the ſame ſhall be granted, to make, build, conſtruct, or fell any of the carriages herein-before mentioned, in any other houſe or place than the houſes or places where he, ſhe, or they did make, build, or conſtruct the ſaid carriages at the time of granting ſuch licence.

Executors, etc. may act under licences of deceased perſons.

V. Provided alſo, and be it further enacted, That upon the death of any perſon ſo licenſed, it ſhall be lawful for the executors or adminiſtrators, or for the wife or child of ſuch deceased perſon, to carry on the ſaid trade of making, building, conſtructing, or ſelling ſuch carriages as aforefaid, at the ſame place where ſuch deceased perſon, by virtue of ſuch licence, carried on ſuch trade, during the reſidue of the term for which ſuch licence was granted to ſuch deceased perſon, without taking out a new licence during the reſidue of the ſaid term.

A duty of 20s. to be paid for every four-wheeled carriage made for ſale,

VI. And be it further enacted, That every coachmaker within the kingdom of *Great Britain* ſhall, from and after the fifth day of *July*, one thouſand ſeven hundred and eighty-five, pay to his Maſteſty, his heirs and ſucceſſors, a duty of twenty ſhillings for every coach, berlin, landau, chariot, caſaſh with four wheels, chaiſe-marine, chaiſe with four wheels, or caravan, or by what name ſoever ſuch carriages now are or hereafter may be called or known; and the ſum of ten ſhillings for every caſaſh, chaiſe, and chair with two wheels, or by what name ſoever ſuch carriages now are or hereafter may be called or known, which he, ſhe, or they ſhall make, build, or conſtruct for ſale.

and 10s. for every two-wheeled one.

VII. And, for better collecting, raising, levying, and securing the duties by this act imposed upon licences, and upon carriages newly built, made, or constructed, as aforesaid, be it further enacted,

That such of the said duties as are charged upon such licences, and upon carriages newly built, made, constructed, and sold in *England, Wales, or the town of Berwick upon Tweed*, shall be under the management of the commissioners and officers of his Majesty's revenue of excise in *England* for the time being; and such of the said duties as are charged upon such licences, and upon carriages newly built, made or constructed, and sold in *Scotland*, shall be under the management of the commissioners and officers of excise in *Scotland* for the time being; who are hereby respectively empowered to appoint proper officers for charging, collecting, and receiving the same.

Duties to be under the management of the commissioners of excise in *England* and *Scotland* respectively.

VIII. And be it further enacted by the authority aforesaid, That every coachmaker shall, once in six weeks, deliver a true account in writing of the number and kinds of such carriages as aforesaid, which he or she shall have made, built, or constructed, and sold, within six weeks, and of the days on which each carriage respectively was delivered or sent out of his or her shop or warehouse; and such coachmaker, or his or her chief workman or manager, shall make oath (or, being a Quaker, affirmation) to the truth of such account, according to the best of his knowledge and belief: and if such carriage or carriages shall be made within the limits of the chief office of excise in *London*, then such accounts, oaths, or affirmations, shall be delivered to, and administered by such officer or officers as the commissioners of excise in *England* shall appoint, at the said chief office of excise in *London*; and such coachmaker shall then and there pay and clear off all the duties due for such carriages as aforesaid; and if such carriage or carriages shall be made within the limits of the city of *Edinburgh*, then such accounts, oaths, or affirmations, shall be delivered to, and administered by such officer or officers as the commissioners of excise in *Scotland* shall appoint, at the chief office of excise at *Edinburgh*; and such coachmaker shall then and there pay to such officer all the duties due for such carriages as aforesaid; and if such carriage or carriages shall be made at any other place in *Great Britain*, then such accounts, oaths, or affirmations, shall be delivered to, and administered by the collector or supervisor of excise of the district within which such carriage or carriages shall be made, and such coachmaker shall then and there pay to such collector all the duties due for such carriages as aforesaid: and in case any coachmaker shall neglect to deliver in such account, or to verify the same upon oath or affirmation as aforesaid, or to pay down all the duties due for such carriages as aforesaid; every coachmaker so offending shall, for every such offence, forfeit the sum of twenty pounds.

Coachmakers, every six weeks, to deliver an account, on oath, of all carriages, made and sold.

At what places such accounts shall be delivered.

Penalty on default.

IX. And be it further enacted by the authority aforesaid, That all prosecutions for the recovery of penalties and forfeitures incurred for offences committed against this act, shall and

Penalties how to be recovered.

may

Prosecutions within the limits of the excise office in London, to be determined by three commissioners, etc.

and in all other parts of Great Britain, shall be determined by two neighbouring justices.

Parties aggrieved may appeal to the quarter sessions.

Upon conviction of parties accused, commissioners, etc. may issue out warrants of distress, etc.

may be heard, adjudged, and determined, either by bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, if such penalty or forfeiture shall be incurred there, or in such manner and form as hereafter is directed; that is to say, all prosecutions for recovery of penalties and forfeitures incurred for offences committed against this act within the limits or jurisdiction of the chief office of excise in *London*, shall and may be heard, adjudged, and determined, by any three or more of the commissioners of excise in *England*, for the time being; and in case of appeal from the judgement of the said commissioners, (and not otherwise), shall be heard, adjudged, and determined, by the commissioners for appeals for the time being, or the major part of them, whose judgement therein shall be final, and not liable to be removed by *certiorari* into any of the courts at *Westminster*; and all prosecutions for recovery of penalties and forfeitures incurred for offences committed within all or any other the counties, cities, stewartries, shires, towns, or places, within the kingdom of *Great Britain*, shall and may be heard, adjudged, and determined, by any two or more of the justices of the peace residing near to the place where such offence shall be committed; and if either the informers or defendants shall think themselves aggrieved by the judgement given by such justices, it shall and may be lawful for every such informer or defendant to appeal to the justices of the peace at the next quarter sessions to be holden in and for the county, shire, stewartry, city, town, or place, where the penalty or forfeiture shall be incurred, who are hereby authorized and required to hear, adjudge, and determine the same, and whose judgement therein shall be final, and not liable to be removed by *certiorari* into any of the courts at *Westminster*; and the said commissioners for excise, and commissioners for appeals, (in case of appeals), and all justices of the peace aforesaid respectively, are hereby authorized and required, upon complaint or information, upon oath, exhibited and brought before them respectively as aforesaid, of the commission of any offence against this act, (which oath the said commissioners and justices of the peace respectively are hereby authorized to administer), to summon the party or parties accused, and upon the appearance or contempt of any person or persons so summoned, to proceed to the examination of the matter of fact; and upon due proof made thereof, either by the voluntary confession of the person or persons so summoned, or by the oath of one or more credible witness or witnesses, (which oath they the said commissioners and justices respectively have hereby power to administer), to give judgement or sentence thereupon, and to award and issue out warrants, under their hands respectively, for the levying of such penalties or forfeitures upon the goods and chattels of such person or persons, and to cause sale to be made of such goods and chattels, if they shall not be redeemed within fourteen days, rendering to such person or persons the overplus, (if any be); and for want of sufficient distress,

to imprifon the party or parties offending, till fatisfaction be made.

X. And be it further enacted by the authority aforefaid, That all the money arifing from the duties by this act granted upon licences, and upon carriages newly made, built, or con- ftructed, as aforefaid, (the neceffary charges of raifing and ac- counting for the fame excepted), fhall from time to time be paid into the receipt of his Majefty's exchequer at *Weflminfter*, feperate and apart from all other duties; and fhall be appro- priated and applied to the fame ufes and purpofes as the duties on coaches and other carriages, granted by an act made in the twentieth year of the reign of his late Majefty, and feveral fub- fequent acts, are applicable unto.

Duties to be paid into the exchequer.

Application thereof.

XI. And be it further enacted by the authority aforefaid, That if any action or fuit fhall be brought or commenced againft any perfon or perfons for any thing by him or them done in purfuance of this act, fuch action or fuit fhall be com- menced within three months next after the matter or thing done, and fhall be laid in the proper county; and the defendant or defendants, in fuch action or fuit, may plead the general iffue, and give this act, and the fpecial matter, in evidence, at any trial to be had thereupon; and if afterwards a verdict fhall pafs for the defendant or defendants, or the plaintiff or plain- tiffs fhall become nonfuit, or difcontinue his, her, or their action or profecution, or judgement fhall be given againft him, her, or them, upon demurrer, or otherwife, then fuch defend- ant or defendants fhall have treble cofts awarded to him, her, or them, againft fuch plaintiff or plaintiffs.

Limitation of actions.

General iffue.

Treble cofts.

C A P. L.

An act for repealing an act, made in the twenty-fourth year of the reign of his prefent Majefty, intituled, An act for granting to his Majefty certain duties on certificates iffued with refpect to the killing of game; and for granting other duties in lieu thereof.

WHEREAS by an act, made in the twenty-fourth year of the reign of his prefent Majefty, intituled, An act for granting to his Majefty certain duties on certificates iffued with re- fpect to the killing of game, it was enacted, That, from and after the firft day of October, one thoufand feven hundred and eighty-four, there fhould be raifed, levied, collected, and paid, throughout the kingdom of Great Britain, unto and for the ufe of his Majefty, his heirs and fucceffors, the feveral rates and duties following; (that is to fay), That every perfon in Great Britain, qualified with refpect to property to kill game, fhould, previous to their fhooting at, killing, or deftroying any game, deliver in a paper or account in writing, con- taining the name and place of abode of fuch perfon, if in England, with the clerk of the peace of the county; and, if in Scotland, with the fherriff or ftewart clerk of the county where fuch perfon fhould re- fide,

Preamble.

Recital of 24 Geo. 3. C. 43.

*side, and annually take out a certificate thereof; that upon every piece of vellum or parchment, or sheet or piece of paper, upon which any certificate issued to any such person should be ingrossed, written, or printed, there should be charged a stamp-duty of two pounds two shillings: that every deputation or appointment of a gamekeeper, granted to any person by any lord or lady of a manor in England, should be registered with the clerk of the peace of the county; and every such deputation, by any proprietor of land in Scotland, should be registered in the sheriff or steward court books of the county in which the said manor or lands should be, and the gamekeeper so appointed should annually take out a certificate thereof; that upon every piece of vellum or parchment, or sheet or piece of paper, upon which any certificate, issued to any person under any deputation or appointment of gamekeeper, should be ingrossed, written, or printed, there should be charged a stamp-duty of ten shillings and sixpence: and whereas the payment of the said rates and duties has been greatly evaded; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, thinking it will be for the advantage of the publick to repeal the present rates and duties, and to grant unto your Majesty the several rates and duties herein-after mentioned, to be applied to the uses and purposes unto which the said rates and duties granted by the above mentioned act, made in the twenty-fourth year of the reign of his present Majesty, are now applicable; do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of July, one thousand seven hundred and eighty-five, the rates and duties granted by an act made in the twenty-fourth year of the reign of his present Majesty, intituled, *An act for granting to his Majesty certain duties on certificates issued with respect to the killing of game*, shall cease, determine, and be no longer paid or payable.*

The recited act repealed.

From July 1, 1785, the following duties shall be paid to his Majesty; viz.

No person to destroy game, until he has delivered an account of his name and place of abode to the clerk of the peace, etc. and taken out a certificate thereof;

II. And be it further enacted by the authority aforesaid, That, from and after the first day of July, one thousand seven hundred and eighty-five, there shall be raised, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the use of his Majesty, his heirs and successors, the several rates and duties following; that is to say,

That every person in *Great Britain*, who shall use any dog, gun, net, or other engine, for the taking or destruction of game (not acting as a gamekeeper under or by virtue of a deputation or appointment duly registered), shall previously deliver in a paper or account in writing, containing the name and place of abode of such person, to the clerk of the peace, or his deputy, or to the sheriff or steward clerk of the county, riding, shire, stewardry, or place where such person shall reside, and annually take out a certificate thereof:

That

That upon every piece of vellum or parchment, or sheet or piece of paper, upon which any certificate issued to any such person shall be engrossed, written, or printed, there shall be charged a stamp-duty of two pounds, two shillings: for which he shall pay annually a stamp-duty of 2l. 2s.

That every deputation or appointment of a gamekeeper, granted to any person by any lord or lady of a manor in *England*, or the dominion of *Wales*, shall be registered with the clerk of the peace of the county, riding, or place; and every such deputation or appointment, by any proprietor of land in *Scotland*, shall be registered with the sheriff or steward clerk of the county, stewartry, or place in which the said manor or lands respectively lie, and the gamekeeper so appointed shall annually take out a certificate thereof: Deputations of gamekeepers to be registered with the clerk of the peace, &c.

That upon every piece of vellum or parchment, or sheet or piece of paper, upon which any certificate issued to any person under any deputation or appointment of gamekeeper, shall be engrossed, written, or printed, there shall be charged a stamp-duty of ten shillings and sixpence. a certificate whereof shall be taken out annually, charged with a 10s. 6d. stamp.

III. And be it further enacted by the authority aforesaid, That, for the better and more effectual levying, collecting, and paying the said duty herein-before granted, the same shall be under the government, care, and management of the commissioners, for the time being, appointed to manage the duties charged on stamped vellum, parchment, and paper; who, or the major part of them, are hereby required and empowered to employ the necessary officers under them for that purpose, and to allow such salaries and incidental charges as shall be necessary, and to cause such new stamps to be provided to denote the said duty as shall be requisite in that behalf, and to repair, renew, and alter the same from time to time as there shall be occasion, and do all other things necessary to be done for putting this act in execution, with relation to the said duties herein-before granted, in the like, and in as full and ample a manner as they, or the major part of them, are authorized to put in execution any former law concerning stamped vellum, parchment, and paper. The duty to be under the management of the commissioners of stamp-duties.

IV. And be it further enacted by the authority aforesaid, That, from and after the first day of *July*, one thousand seven hundred and eighty-five, every person delivering into the office of the clerk of the peace, or his deputy, for the county, riding, or place, or if in *Scotland*, into the office of the sheriff or steward clerk of the county, shire, stewartry, or place where he shall reside, a paper or account in writing, containing the name and place of abode of such person; and every gamekeeper, to whom any such deputation or appointment shall be granted as aforesaid, registering the same in manner aforesaid, and respectively requiring a certificate thereon, shall be annually intitled thereunto; and such clerk of the peace, or his deputy, and such sheriff or steward clerk, shall thereupon issue a certificate, stamped with as

Every person who shall deliver as aforesaid an account of his name, and place of abode; and every gamekeeper who shall register his deputation, &c. shall be annually intitled to a

as

certificate thereon.

as herein-before is directed, to the effect or form following; that is to say,

Form of certificate.

I A. B. clerk of the peace for the county of C. [or, as the case may happen to be], deputy clerk of the peace; or, if in Scotland, I A. B. sheriff or steward clerk of the county of C. do hereby declare, That E. F. hath this day delivered into my office a paper, writing or account, containing his name and place of abode [or, as the case may happen to be], hath this day registered a deputation, whereby he is appointed a gamekeeper by _____ for the manor or lands of _____ which I do hereby certify, in pursuance of an act of parliament, passed in the twenty-fifth year of King George the Third, intituled, An act for repealing an act, made in the twenty-fourth year of the reign of his present Majesty, intituled, "An act for granting to his Majesty certain duties on certificates issued with respect to the killing of game;" and for granting other duties in lieu thereof.

Clerk of the peace, &c. to sign and deliver certificates to such persons requiring the same.

V. And be it further enacted by the authority aforesaid, That the said clerk of the peace, or his deputy, or the said sheriff or steward clerk, after he shall have signed such certificate, shall forthwith issue the same, stamped as herein-before is directed, to the person or persons respectively requiring the same in manner aforesaid; and shall, previous to the delivery thereof, be intitled to demand and receive of and from such person the sum of one shilling for his own trouble in that behalf: and in case any such clerk of the peace, or his deputy, or any sheriff or steward clerk, shall neglect or refuse to issue to such person or persons as aforesaid, so delivering in such paper or account in writing, or registering such deputation as aforesaid, a certificate properly marked and stamped as herein-before is directed, every such clerk of the peace, or sheriff or steward clerk, shall, for every such offence, forfeit and pay the sum of twenty pounds, and moreover be liable to pay to his Majesty, his heirs and successors, the duty payable on such certificate.

Defaulters herein shall forfeit 20l. for each offence.

Certificates when to be dated and issued. Clerk of the peace, &c. who shall issue any certificate contrary to this act, shall forfeit 20l.

VI. And be it enacted by the authority aforesaid, That every certificate issued by the clerk of the peace, or his deputy, or by the sheriff or steward clerk, pursuant to this act, shall bear date on the day of the month on which the same shall be issued, and shall endure and remain in force from thence until the first day of July next following the date thereof, and no longer; and if any clerk of the peace, or his deputy, or sheriff or steward clerk, shall issue any certificate to any person otherwise than above directed, he shall forfeit and pay the sum of twenty pounds.

Certificates issued after Feb. 28, 1785, to continue in force until July 1, 1786.

VII. Provided always, and be it further enacted by the authority aforesaid, That all certificates which shall have issued on or after the first day of March, one thousand seven hundred and eighty-five, in pursuance of the said herein-before recited act, shall endure and remain in full force for and during the time for which the same were granted, and until the first day of July, one thousand seven hundred and eighty-six.

VIII. And

VIII. And be it further enacted by the authority aforefaid, That, from and after the firft day of *July*, one thoufand feven hundred and eighty-five, if any perfon or perfons fhall ufe any greyhound, hound, pointer, fetting dog, fpaniel, or other dog, or any gun, net, or other engine, for the taking or deftruction of any hare, pheafant, partridge, heath fowl, commonly called *Black Game*, or growie, commonly called *Red Game*, or any other game whatfoever, without having obtained fuch certificate, in fuch manner as herein-before is directed, every fuch perfon or perfons fhall forfeit and pay the fum of twenty pounds, to be recovered and applied as herein-after mentioned.

Every perfon who, after *July 1, 1785*, fhall fhoot at, or kill, any game, without a certificate, fhall forfeit 20*l*.

IX. And be it further enacted by the authority aforefaid, That, from and after the firft day of *July*, one thoufand feven hundred and eighty-five, if any perfon to whom any deputation or appointment of a gamekeeper fhall have been, or at any time thereafter fhall be, granted by any lord or lady of a manor in *England*, or the dominion of *Wales*, or by any proprietor of land in *Scotland*, fhall, for the fpace of twenty days next after the faid firft day of *July*, one thoufand feven hundred and eighty-five, or for the fpace of twenty days next after fuch deputation or appointment fhall thereafter be firft granted, neglect or refufe to register the fame, and take out a certificate thereon, in the manner herein-before directed, every fuch perfon, not having obtained fome certificate as aforefaid, in purfuanee of this act, fhall forfeit and pay the fum of twenty pounds, to be recovered and applied as herein-after mentioned.

Penalty on gamekeepers neglecting to register their deputations, and to take out certificates.

X. Provided always, and be it further enacted by the authority aforefaid, That nothing herein contained fhall make it neceffary for any of the royal family to take out any fuch certificate as aforefaid, or fhall refrain any perfon or perfons appointed or deputed by them, or any of them, from the ufe of any dog, gun, net, or other engine, for the taking or deftruction of game within the forefts, chafes, parks, warrens, or other royalties to them refpectively belonging or appertaining.

Not to extend to the royal family, etc.

XI. And be it further enacted by the authority aforefaid,

That the clerks of the peace, or their deputies, or the fheriff or ftewart clerks in their refpective counties, ridings, fhires, ftewartries, or places, fhall, on or before the firft day of *November*, one thoufand feven hundred and eighty-five, or fooner, if thereunto required by the commiffioners of his Majefty's ftamp-duties, tranfmit to the head office of ftamps in *London*, a correct lift, in alphabetical order, of the certificates by them iffued between the twenty-fifth day of *March*, in the year one thoufand feven hundred and eighty-five, and the firft day of *October*, in the fame year; and fhall alfo, in every fubfequent year, on or before the firft day of *Auguft*, in each fuch year, whenever they fhall be thereunto required by the commiffioners of his Majefty's ftamp-duties, make out and tranfmit to the head office of ftamps in *London*, correct lifts, in alphabetical order, of the certificates fo iffued by them, diftinguifhing the duties paid on each refpective certificate fo iffued; and on the delivery thereof,

Clerks of the peace, etc. to tranfmit annually to the ftamp-office correct lifts of certificates granted by them;

thereof, the receiver general of the stamp-duties shall pay to every such clerk of the peace, or his deputy, or to every such sheriff or steward clerk, for the making out and writing any such list, after the rate of one halfpenny for the name of every such person to whom such certificate shall have been issued, and which shall be inserted in such list; and in case any clerk of the peace, or his deputy, or any sheriff or steward clerk, shall neglect or refuse to make out such lists as aforesaid, or shall not insert in such list a full, true, and perfect account, as herein-before directed, of all the persons the same ought to contain, then, and in every such case, every such clerk of the peace, or his deputy, and sheriff or steward clerk, shall, for every such offence, forfeit and pay the sum of twenty pounds.

on penalty of
sol.

Lists to be
kept at the
office, and
may be in-
spected.

Lists to be
inserted in
newspapers.

XII. And be it further enacted by the authority aforesaid, That all the said several lists, upon such transmission thereof as aforesaid, shall be deposited and kept at the said head office of stamps in *London*, and shall and may, within the office hours, be resorted to and inspected by any person whatsoever, on payment of one shilling, and no more.

XIII. And be it further enacted, That the commissioners of his Majesty's stamp-duties shall, once or oftener in every year, as soon as conveniently may be after the said lists shall have been so transmitted to them as aforesaid, cause the same to be inserted in the newspapers circulating in each respective county, or in such publick newspaper as to them shall seem most proper.

In case of any
new appoint-
ment of a
gamekeeper,
etc. the for-
mer certi-
cate to be
void.

XIV. *And whereas deputations or appointments of gamekeepers, granted as before, may be revoked,* be it therefore enacted, That if any lord or lady of a manor in *England* or *Wales*, or proprietor of land in *Scotland*, shall make any new deputation or appointment of a gamekeeper for any manor or lands in the room of the person already appointed, and to whom any such certificate as aforesaid hath been issued, and shall register such new deputation or appointment with the clerk of the peace, or his deputy, or sheriff or steward clerk of the county, riding, shire, stewartry, or place, in which the manor or lands shall be situate, and shall obtain a new certificate thereon, the first certificate granted shall be, and the same is hereby declared to be null and void; and the person acting under the same, after notice to him given of such new and other certificate, shall be liable to the penalties prescribed by this act, in the same manner as if no certificate had been granted to such person.

Any person
in pursuit of
game, who
shall refuse to
produce his
certificate

XV. *And, in order to prevent the evading the payment of the duties hereby granted, and to facilitate the detection of offenders against this act, by compelling the production of the said certificates to persons authorized to demand inspection of the same;* be it therefore enacted by the authority aforesaid, That if any person or persons shall be found using any dog, gun, net, or other engine, for the taking or destruction of game, by any other person who hath obtained a certificate in the manner herein-before directed, it shall and may be lawful for such other person, producing such

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certificate, to demand and require from the person so using such dog, gun, net, or other engine as aforesaid, to produce and shew a certificate issued to him for that purpose as hereinbefore is directed; and every such person shall, upon such demand and requisition as aforesaid, produce such certificate to the person so demanding the same, and permit the same to be inspected accordingly; and if any such person shall wilfully refuse to produce and shew a certificate issued to him for that purpose, or, not having produced and shewn such certificate, shall refuse, on demand thereof, to give in his christian and surname, and the place of his residence, or shall give in any false or fictitious name or place of residence, every such person so offending shall forfeit and pay the sum of fifty pounds.

when required by any authorised person so to do,

or to tell his name, and place of abode, etc. shall forfeit 50l.

XVI. And be it further enacted by the authority aforesaid, That the certificate hereby directed to be issued by the clerks of the peace, or their deputies, in the respective counties, ridings, or places in *England*, or by the sheriff or steward clerks of the counties, shires, stewartries, or places in *Scotland*, shall not authorise or enable any person to use any greyhound, hound, pointer, setting dog, spaniel, or other dog, or any gun, net, or other engine for the taking or destruction of game, at any time or times, or in any manner prohibited by any law now in being; nor shall give to any person any right to use any greyhound, hound, pointer, setting dog, spaniel, or other dog, or any gun, net, or other engine for the taking or destruction of game, unless such person shall be duly qualified so to do, under and by virtue of the laws now in being made for the preservation of the game, but shall be liable to the same penalties in all or any of the said laws contained, as if this act had not been made.

Certificates not to authorise any person to kill game at any time prohibited by law; etc.

XVII. And be it further enacted by the authority aforesaid, That no certificate, obtained under any deputation or appointment of a gamekeeper, shall be pleaded or given in evidence in any case whatsoever, where the person having such certificate shall have used or shall use any greyhound, hound, pointer, setting dog, spaniel, or other dog, or any gun, net, or other engine for the taking or destruction of game, out of or beyond the precincts or limits of the manor or lands for or in respect of which such deputation or appointment was given and made.

Certificates obtained under deputations not to be given in evidence for killing game out of the manor; etc.

XVIII. And whereas there are several cities and towns that are counties of themselves, and have no clerks of the peace to issue the certificates hereinbefore directed; be it therefore enacted by the authority aforesaid, That every person residing in such cities and towns that are counties, shall and may deliver in the paper or account in writing, hereinbefore directed, to the office of the clerk of the peace, or his deputy, of any county, riding, or place adjoining to such city or town, who is hereby directed and required to issue his certificate to the person applying for the same, as is hereinbefore directed, in the same manner as if the person so requiring such certificate resided in the county of such clerk of the peace; and upon neglect or refusal to issue such certificate

Clause relative to those counties that have no clerks of the peace.

tificate as aforeſaid, ſuch clerk of the peace ſhall be liable to the ſame penalties as if he had reſuſed or neglected to iſſue ſuch certificate to any perſon applying for the ſame, reſident in the county of ſuch clerk of the peace.

Perſons counterfeiting ſtamps to ſuffer death as felons.
 XIX. And be it further enacted by the authority aforeſaid, That if any perſon ſhall counterfeit or forge, or procure to be counterfeited or forged, any ſeal, ſtamp, or mark, directed or allowed to be uſed by this act, for the purpoſe of denoting the duties by this act granted, or ſhall counterfeit or reſemble the impreſſion of the ſame, with an intent to defraud his Maſteſty, his heirs, and ſucceſſors, of any of the ſaid duties, or ſhall utter, vend, or ſell, any vellum, parchment, or paper, with ſuch counterfeit mark or ſtamp thereupon, knowing ſuch mark or ſtamp to be counterfeit; or if any perſon ſhall fraudulently uſe any ſeal, ſtamp, or mark, directed or allowed to be uſed by this act, with intent to defraud his Maſteſty, his heirs or ſucceſſors, of any of the ſaid duties; every perſon ſo offending, and being thereof convicted, ſhall be adjudged a felon, and ſhall ſuffer death as in caſes of felony, without benefit of clergy.

Proviſions of former acts relating to ſtamp-duties, to be in force in executing this act.
 XX. And be it further enacted by the authority aforeſaid, That all powers, proviſions, articles, claules, and all other matters and things preſcribed or appointed by any former act or acts of parliament relating to the ſtamp-duties on vellum, parchment, and paper, ſhall be in full force and effect with relation to the rates and duties hereby impoſed, and ſhall be applied and put in execution for the raiſing, levying, collecting, and ſecuring the ſaid new rates and duties hereby impoſed, according to the true intent and meaning of this act, as fully, to all intents and purpoſes, as if the ſame had ſeverally and reſpectively been hereby enacted with relation to the ſaid new rates and duties hereby impoſed.

Penalties how to be recovered and applied.
 XXI. And be it further enacted by the authority aforeſaid, That all pecuniary penalties, impoſed on any perſon or perſons for offences committed againſt this act, may be ſued for and recovered in any of his Maſteſty's courts at *Westminster*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*, and in his Maſteſty's court of ſeſſions, court of juſticiary, or court of exchequer, in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no eſſoin, protection, privilege, wager of law, or more than one imparlance, ſhall be allowed, and wherein the plaintiff, if he or ſhe ſhall recover any penalty or penalties, ſhall recover the ſame for his or her own uſe, with coſts of ſuit.

Any juſtice of the county, in all offences againſt this act where the penalty doth not exceed 20l. may ſummon the par-
 XXII. Provided always, That, from and after the ſaid firſt day of *July*, one thouſand ſeven hundred and eighty-five, it ſhall and may be lawful for any one or more juſtice or juſtices of the peace of the county, riding, ſhire, ſtewartry, diviſion, city, liberty, or place, wherein any offence or offences againſt this act ſhall be committed; and ſuch juſtice or juſtices is and are hereby required, upon information or complaint to him or them made,

made, to fummon the party or parties accused, and alfo the witnesses on either fide, to appear before him or them; and upon the appearance of the party or parties accused, or in default of his, her, or their appearance according to fuch fummons, to proceed to hear and determine the matter in a fummary way; and upon due proof made thereof, either by the voluntary confession of the party or parties accused, or by the oath of one or more credible witness or witnesses, to give judgement or sentence for the penalty or forfeiture, according as in and by this act is directed; and to award and issue out his warrants under his hand and seal, for the levying any pecuniary penalties and forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed within six days, rendering to the party the overplus, if any; and where sufficient goods of such offender cannot be found to answer the penalty, to commit such offender to the common gaol, or house of correction, there to remain for the space of six months, unless such penalty shall be sooner paid and satisfied; and if such person or persons shall find himself or themselves aggrieved by the judgement of any such justice, then he or they shall and may, upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded, in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, riding, or place, who are hereby impowered to fummon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement of such justice shall be affirmed, it shall be lawful for such justices to award the person or persons to pay costs occasioned by such appeal, as to themselves shall seem meet.

ties before him, and determine in a fummary way.

Penalties may be levied by distress,

or the offender committed.

Persons aggrieved may appeal to the quarter sessions, upon giving proper security.

XXIII. And be it enacted by the authority aforesaid, That if any person or persons shall be fummoned as a witness or witnesses, to give evidence before such justice or justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor, or of the person or persons accused, and shall neglect or refuse to appear, at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of ten pounds, to be levied and paid in such manner and by such means as is herein-before directed as to other penalties.

Persons fummoned as witnesses, and not appearing, to forfeit 10l.

XXIV. And be it further enacted by the authority aforesaid, That the justice or justices of the peace before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the same effect, *mutatis mutandis*; that is to say:

How justices to proceed for conviction of offenders.

Form of conviction.

BE it remembered, That on the _____ day of _____ in the year of our Lord _____ at _____ in the county of _____ A. B. came before me C. D. one of his Majesty's justices of the peace for the said county, residing near the place where the offence was committed, and informed me that E. F. of _____ on the _____ day of _____ now last past, did use a gun, dog, net, or other engine, (as the case may be), for the taking or destruction of game, and did thereby and therewith take, kill, and destroy, a hare, or other game, (as the case may be), [here set forth the fact for which the information was laid], without having the certificate required by law for that purpose; whereupon the said E. F. after being duly summoned to answer the said charge, appeared before me, and having heard the charge contained in the said information declared he was not guilty of the said offence; (or, as the case may happen to be), did not appear before me pursuant to the said summons, (or did neglect and refuse to make any defence against the said charge, but the same being fully proved upon the oath of G. H. a credible witness, (or as the case may happen to be), acknowledged and voluntarily confessed the same to be true: and it manifestly appearing to me that he the said E. F. is guilty of the said offence charged upon him in the said information; I do therefore hereby convict him of the offence aforesaid, and do declare and adjudge that he, the said E. F. hath forfeited the sum of _____ of lawful money of Great Britain, for the offences aforesaid, according to the form of the statute in that case made and provided.

Given under my hand and seal, the _____ day of _____

Justice may mitigate penalties.

XXV. Provided nevertheless, That it shall and may be lawful to and for the said justice or justices, where he or they shall see cause, to mitigate and lessen any such penalties as he or they shall think fit, reasonable costs and charges of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigated penalty, and so as such mitigation do not reduce the penalties to less than a moiety of the penalties incurred, over and above the said costs and charges, any thing herein contained to the contrary notwithstanding; and no such conviction shall be removable by *certiorari* into any court whatsoever.

No offender against this act to be imprisoned more than three months.

XXVI. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to subject any person or persons whatsoever to a longer imprisonment than three calendar months, for nonpayment of any fine or penalty to be imposed under the authority of this act.

Duties to be paid to the receiver general of the stamp-duties, and by him paid into the exchequer.

XXVII. And be it further enacted by the authority aforesaid, That the several duties herein-before granted shall be paid, from time to time, into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into

into the receipt of the exchequer, at such time and in such manner as the duties charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the same receipt shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money so paid into the said receipt of exchequer as aforesaid, shall be a fund for the payment of the several annuities, and all such other charges and expences as are directed to be paid and payable pursuant to an act of the last session of parliament, intituled, *An act for raising a certain sum of money by way of annuities, and for establishing a lottery.*

Auditor to provide a book for entering the duties separate from all others. Application thereof.

XXVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall or may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Defendants may plead the general issue,

and recover treble costs.

C A P. LI.

An act for repealing the duties on licences taken out by persons letting horses for the purpose of travelling post, and on horses let to hire for travelling post, and by time, and on stage coaches; and for granting other duties in lieu thereof; and also additional duties on horses let to hire for travelling post, and by time.

WHEREAS by an act, made in the twentieth year of the reign of his present Majesty, (intituled, *An act for repealing an act, made in the nineteenth year of the reign of his present Majesty, intituled, An act for granting to his Majesty certain duties on licences to be taken out by all persons letting horses to hire, for travelling in the manner therein mentioned; and certain duties on all horses let to hire for the purposes of travelling post, and by time; and upon certain carriages therein mentioned; and for granting other duties in lieu thereof; it was enacted, That, from and after the first day of August, one thousand seven hundred and eighty, there should be raised, levied, collected, and paid, throughout the kingdom of Great Britain, unto and for the use of his Majesty, his heirs and successors, the several rates and duties following; (that is to say,) That every postmaster, innkeeper, or other person in Great Britain, who should let to hire any horse for the purpose of travelling post by the mile, or from stage to stage; or being a person usually letting horses to hire, should let to hire for a day, or any less period*

Preamble.

Recital of 20 Geo. 3. c. 51.

riod of time, any horse for drawing any coach or other carriage, used in travelling post or otherwise, for or in respect whereof any rate or duty under the management of the commissioners of excise for the time being, then was made payable by any statute then in force, should yield and pay annually unto his Majesty, his heirs and successors, the sum of five shillings for a licence for that purpose; That for and in respect of every horse hired by the mile or stage, to be used in travelling post in Great Britain, there should be charged a duty of one penny for every mile such horse should be hired to travel post; and that for and in respect of every horse hired for a day, or any less period of time, for drawing on a post or other publick road, any coach or other carriage, used in travelling post, or otherwise, in respect whereof any duty under the management of the commissioners of excise for the time being, then was made payable by any statute then in force, there should be charged, if the distance should be then ascertained, the sum of one penny per mile; and if the distance should not then be ascertained, there should be charged the sum of one shilling and sixpence for and in respect of each horse so hired; such duty to be paid by the person or persons by whom such horse should be so hired: That every person who should keep any coach or other carriage, by what name soever the same then was called, to be employed as a publick stage coach or carriage, for the purpose of conveying passengers for hire to and from different places in the kingdom of Great Britain, should yield and pay annually unto his Majesty, his heirs and successors, the sum of five shillings for a licence for that purpose; and that every coach or other carriage, by what name soever called or known, to be employed as publick stage coaches, for the purpose of conveying passengers for hire to and from different places in the kingdom of Great Britain, should be, and the same were thereby charged with a duty of one halfpenny for every mile such carriage should travel, to be paid by the owner or owners thereof respectively: and whereas, by an act made in the twenty-third year of the reign of his present Majesty, (intituled, An act for granting to his Majesty an additional duty upon stage coaches, and other carriages therein mentioned,) it was enacted, That, from and after the first day of August, one thousand seven hundred and eighty-three, there should be raised, levied, collected, and paid, throughout the kingdom of Great Britain, unto and for the use of his Majesty, his heirs and successors, upon every coach or other machine, to be employed as a publick stage coach or carriage, for the purpose of conveying passengers for hire to and from one place to another in the kingdom of Great Britain, an additional duty of one halfpenny for every mile such carriages should travel, to be paid by the owners thereof: and whereas the payment of the said rates and duties have been greatly evaded; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, do therefore think that it will be for the advantage of the publick to repeal the present rates and duties, and to grant unto your Majesty other rates and duties in lieu thereof, and also additional duties on horses let to hire for the purpose of travelling post, and by time; and do most humbly beseech your Majesty that it may be enacted;

23 Geo. 3. c.
63.

acted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, the rates and duties granted by an act, made in the twentieth year of the reign of his present Majesty, intituled, *An act for repealing an act, made in the nineteenth year of the reign of his present Majesty, intituled, An act for granting to his Majesty certain duties on licences, to be taken out by all persons letting horses to hire, for travelling in the manner therein mentioned; and certain duties on all horses let to hire for the purposes of travelling post, and by time; and upon certain carriages therein mentioned; and for granting other duties in lieu thereof;*) and also the additional rate and duty granted by an act, made in the twenty-third year of the reign of his present Majesty, (intituled, *An act for granting to his Majesty an additional duty upon stage coaches, and other carriages therein mentioned,*) shall cease, determine, and be no longer paid and payable; except only such monies as shall have been received, or shall be payable by the several postmasters, innkeepers, and other persons, for and on account of the said rates and duties, at any time on or before the said first day of *August*, and which be unaccounted for and unpaid by them to the several collectors appointed by virtue of the acts to receive the same.

From Aug. 1,
1785, the rates
granted by

20 Geo. 3. c.
51.

and 23 Geo.
3. c. 63.

repealed.

II. Provided always, and it is hereby enacted and declared, That the several bonds, given in pursuance of the said acts, or either of them, shall continue and be of full force and effect, with respect to all duties due and owing by virtue of the said recited acts, and also with respect to the several duties by this act granted, and all matters and things therein contained.

Bonds given
in pursuance
of the said
acts,

III. And it is hereby further enacted and declared, That the several licences granted in pursuance of the said acts, shall continue in full force and effect, for and during the periods for which the same have been respectively granted; and that the several appointments made by the commissioners of stamps to the several persons appointed collectors of the said duties, shall remain and continue in full force, until revoked by the said commissioners.

and licences
granted, etc.
to continue in
force.

IV. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, there shall be raised, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the use of his Majesty, his heirs and successors, the several rates and duties following; (that is to say,)

New duties.

That every postmaster, innkeeper, or other person in *Great Britain*, who shall let to hire any horse for the purpose of travelling post by the mile, or from stage to stage, or being a person usually letting horses to hire, shall let to hire for a day, or any less period of time, any horse for drawing any coach or other carriage used in travelling post, or otherwise, by whatsoever

Every post-
master, etc.
who shall let
horses to hire
for travelling
post, for an
annual li-
cence, 5s.

ever name fuch carriages now are or hereafter may be called or known, for or in refpect whereof any rates or duties, now or heretofore under the management of the commissioners of excife, are or have been made payable by any ftatute or ftatutes now in force, fhall yield and pay annually unto his Majefty, his heirs and fucceffors, the fum of five fhillings for a licence for that purpofe :

Every perfon hiring horfes to travel poft, to pay, for each horfe, 1 d. halfpenny per mile;

That for and in refpect of every horfe hired by the mile or ftage, to be ufed in travelling poft in *Great Britain*, there fhall be charged a duty of one penny halfpenny for every mile fuch horfe fhall be hired to travel poft :

or 1 s. 9 d. per day, where the diftance fhall not be afcertained :

And that for and in refpect of every horfe hired for a day, or any lefs period of time, for drawing on any publick road any coach or other carriage ufed in travelling poft, or otherwife, by whatfoever name fuch carriages now are or hereafter may be called or known, for or in refpect whereof any rates or duties, now or heretofore under the management of the commissioners of excife, are or have been made payable by any ftatute or ftatutes now in force, there fhall be charged, if the diftance fhall be then afcertained, the fum of one penny halfpenny *per* mile; and if the diftance fhall not then be afcertained, there fhall be charged the fum of one fhilling and nine-pence for and in refpect of each horfe fo hired; fuch duty to be paid by the perfon or perfons by whom fuch horfe fhall be fo hired :

Every perfon keeping a diligence, poft-coach, or other four-wheeled carriage, for carrying only four infide paffengers, for hire, or any ftage-coach, etc. fhall pay annually 5 s. for a licence;

That every perfon who fhall keep any coach, berlin, landau, chariot, calafh, chaise-marine, chaise, diligence, or other carriage with four wheels, or any calafh, chaise, chair, or other carriage with two wheels, by what name foever the fame now is or hereafter fhall be called or known, to be employed as publick ftage coaches or carriages, for the purpofe of conveying paffengers for hire to and from different places in the kingdom of *Great Britain*, fhall yield and pay annually unto his Majefty, his heirs and fucceffors, the fum of five fhillings for a licence for that purpofe :

and fhall alfo pay 1 d. for every mile fuch carriage fhall travel.

And that every coach, berlin, landau, chariot, calafh, chaise-marine, chaise, diligence, or other carriage with four-wheels, or any calafh, chaise, chair, or other carriage with two wheels, by what name foever the fame now is or hereafter fhall be called or known, to be employed as publick ftage coaches or carriages, for the purpofe of conveying paffengers for hire, to and from different places in the kingdom of *Great Britain*, fhall be, and the fame is hereby charged with a duty of one penny for every mile fuch carriage or carriages as aforefaid fhall travel, to be paid by the owner or owners thereof refpectively.

The faid duties to be under the management of the commissioners for ftamp-duties.

V. And, for the better and more effectual raifing, levying, collecting, and paying the faid rates and duties herein-before granted, the fame fhall be under the government, care, and management of the commissioners for the time being appointed to manage the duties payable to his Majefty, his heirs, and fucceffors, and charged on ftamped vellum, parchment, and paper;

paper; who, or the major part of them, are hereby required and impowered to appoint and employ fuch officers under them for that purpose, and to allow fuch falaries and incidental charges as fhall be neceffary, and to provide and ufe fuch marks or ftamps as they fhall think fit; and to repair, renew, or alter the fame from time to time as there fhall be occafion; and to do all other acts, matters, and things neceffary to be done for putting this act in execution, with relation to the faid rates and duties hereby granted, in the like, and in as full and ample manner as they, or the major part of them, are authorized to put in execution any of the laws now in being concerning ftamped vellum, parchment, and paper.

VI. And be it further enacted, That, from and after the firft day of *Auguft*, one thoufand feven hundred and eighty-five, no perfon whatfoever, required by this act to be licensed, fhall, unlefs he or ſhe be authorized and enabled, in the manner hereinafter prefcribed, let out any horfe for hire, either by the mile or ftage, or to draw any coach, berlin, landau, chariot, calafh with four wheels, or any calafh, chaise, or chair with two wheels, or any other carriage ufed in travelling poft, or otherwife, by whatfoever name fuch carriages now are or hereafter may be called or known, (upon which any rates or duties, now or heretofore under the management of the commiffioners of excife, are or have been referved or made payable,) for a day, or lefs period of time, upon pain to forfeit, for every fuch offence the fum of ten pounds, to be recovered and applied as herein-after is directed.

Penalty on
perſons let-
ting out hor-
ſes to travel
poſt, etc. with-
out a licence.

VII. And be it further enacted, That, from and after the paſſing of this act, any two or more of his Majeſty's commiſſioners, appointed for managing the duties ariſing by ftamps on vellum, parchment, or paper, or ſome perſon duly authorized by them, ſhall grant licences to fuch perſons who ſhall apply for the ſame, to let out horſes for hire, in the manner aforeſaid, in any city, town, or other place within *Great Britain*, for the ſpace of one year, to commence from the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, upon all licences to be granted on or before that day; and upon licences to be firſt granted to any perſon or perſons after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, to commence from the day of the date of every ſuch licence; and all and every perſon or perſons who ſhall take out ſuch licence for letting out horſes for hire, in manner aforeſaid, ſhall take out a freſh licence for another year, ten days at leaſt before the expiration of that year for which he, ſhe, or they ſhall be ſo licensed, if he, ſhe, or they ſhall continue to let out horſes for hire in manner aforeſaid; and ſhall, in like manner, renew ſuch licence from year to year, paying down the reſpective ſums due for ſuch licences, as long as he, ſhe, or they ſhall continue to let out horſes for hire in manner aforeſaid.

Any two
commiſſion-
ers of the
ſtamp-duties,
or perſon au-
thorized by
them, may
grant licences
for letting out
horſes to hire.

VIII. And be it further enacted, That no poſtmaſter, inn-keeper, or other perſon whatſoever, licensed or to be licensed by

No perſon to
keep more

than one inn, etc. for letting horfes, by virtue of one licence, on penalty of 20l.

by authority of this act, shall, by virtue of one licence, keep more than one inn, house, or other place for letting horfes for the purposes aforesaid; but for each and every inn, house, or other place, which any postmaster, innkeeper, or other person, shall keep for the purposes aforesaid, a separate and distinct licence shall be taken out and paid for by such postmaster, innkeeper, or other person; upon pain to forfeit, for every inn, house, or other place, so kept by him, her, or them, not licensed as aforesaid, the sum of twenty pounds, to be recovered and applied as herein is directed.

Licensed innkeepers, etc. to cause certain words to be painted on the fronts of their houses, etc. before they let horfes for hire;

IX. And be it further enacted, That every postmaster, innkeeper, or other person, so licensed to let horfes as herein-before mentioned, shall cause the words (*Licensed to let Post Horfes*) to be painted or written in legible characters, either on a sign hung out, or in some visible place in the front of his, her, or their house, stables, or out-offices, at the respective places at which he, she, or they let out horfes to hire as aforesaid, to denote that such postmaster, innkeeper, or other person, is a letter or furnisher of horfes, and authorised to furnish travellers with the same, pursuant to law: and if any postmaster, innkeeper, or other person so licensed as aforesaid, shall presume to let out horfes for hire, as herein-before mentioned, without fixing or hanging out such token as aforesaid, every postmaster, innkeeper, or other person, so offending, shall, for every such offence, forfeit and pay the sum of five pounds, to be recovered and distributed as herein-after is directed.

on penalty of 5l.

Innkeepers, etc. who furnish carriages to travel post, shall affix their names, and their place of abode, on some conspicuous part thereof;

X. And be it further enacted, That every person so licensed as aforesaid, shall, if he, she, or they furnish his, her, or their own chaises, or other carriages, at the same time with such horfes let to hire to travel post as aforesaid, mark or paint, or cause to be marked or painted, on the outside pannel of each door of the chaise, or other carriage so furnished, his, her, or their christian and surname, and the name of the city, town, or place, of his, her, or their abode, in large and legible characters, in letters of a colour distinct from the colour of the carriage, each letter at least one inch in length, and continue the same thereupon, as long as such chaise or carriage shall be so used; and if any person or persons shall neglect or omit to mark or paint the same, as herein-before is directed, or shall mark or paint, or cause to be marked or painted, any false or fictitious name, or place of abode, on such chaise or other carriage, he, she, or they shall forfeit, for every such offence, the sum of five pounds.

on penalty of 5l.

Innkeepers, etc. who furnish carriages to travel for a day, or less period of time, shall affix, upon some conspi-

XI. And be it further enacted, That every postmaster, innkeeper, or other person so licensed as aforesaid, if he, she, or they furnish his, her, or their own coaches, berlins, landaus, chariots, calashes, chaises, or other carriages with four wheels, or any calash, chaise, chair, or other carriage aforesaid with two wheels, at the same time with such horfes let to hire for a day, or less period of time, for drawing on any publick road, where such carriages shall have a box, or other outside seat for the driver

driver thereof, shall affix upon some conspicuous part of the footboard, or other part of such box or seat, a brass or tin plate, on which there shall be marked or engraved the christian and surname of every such owner or owners, and the name of the city, town, and place, of his, her, or their abode, in large and legible characters, and continue the same thereon, and replace the same as often as occasion shall require, during the time such coach, or other carriage as aforesaid, shall be so used; and where such carriages so furnished as aforesaid shall not have a box or other outside seat for the driver thereof, shall affix upon a conspicuous part of the pole, shaft, or splinter-bar of every such carriage as aforesaid, a brass or tin plate, upon which there shall be marked or engraved the christian and surname of every such owner or owners, together with the name of the city, town, or other place, of his, her, or their abode, in large and legible characters, and continue the same thereon, and replace the same as often as occasion shall require, during the time any such carriage as aforesaid shall be so used; and if any person or persons shall omit or neglect so to do, or mark or engrave, or cause to be marked or engraved, any false or fictitious name or place of abode, on any such plate so to be affixed on any such coach, berlin, landau, chariot, chaise, or other carriage as aforesaid, he, she, or they shall forfeit, for every such offence, the sum of five pounds.

conspicuous part thereof, a brass or tin plate, containing their names and places of abode.

Penalty on neglect, etc.

XII. And be it further enacted, That the said commissioners appointed for managing the duties arising by stamps on vellum, parchment, and paper, shall, at the time of issuing such licence as aforesaid, deliver, or cause to be delivered, to every postmaster, innkeeper, or other person so licensed, printed or written papers, (intituled, *Stamp-office Weekly Accounts*.) in which shall be inserted the day of the week, and blanks left for the number of horses and miles, and name of the town or place to which such horses shall be hired to go; and also for the day of the month, and the names of the postillions or drivers employed, to be filled up as herein-after directed, according to the following form, or such other form as the said commissioners shall judge convenient for keeping such accounts.

Commissioners of stamp-duties are to deliver, to every person taking out a licence, printed or written papers:

Stamp-

The form thereof.

Stamp-office Weekly Account.

A. B. of C.

Month and Day.	Week and Day.	Names of Postillions or Drivers.										Names of places to which the Horses are hired to go.	Duty.
		A. B. No. of Horses, Miles.	C. D. No. of Horses, Miles.	E. F. No. of Horses, Miles.	G. H. No. of Horses, Miles.	I. K. No. of Horses, Miles.	L. M. No. of Horses, Miles.						
	Sunday												
	Monday												
	Tuesday												
	Wednesday												
	Thursday												
	Friday												
	Saturday												

And fhall alfo deliver, or caufe to be delivered, a number of tickets, on which fhall be printed or written the words (*Stamp-office,*) and alfo the word (*Horfes,*) and 1, 2, 3, 4, 5, or 6, in figures, as the tickets may be intended to denote the numbers; and likewife the word (*Miles,*) except where the horfes are hired for a day, or any lefs period of time, and then, inftead of the word (*Miles,*) the words (*For a Day*) fhall be inferted, and alfo the amount of the duty, at and after the rate of one fhilling and nine-pence for each horfe, according to the number of horfes expreffed by figures on fuch tickets, and fhall take efpecial care that all perfons fo licenfed fhall be fufficiently furnifhed with fuch accounts and tickets; and in cafe any officer employed in the execution of this act, in relation to the faid rates and duties, fhall wilfully refufe or neglect to do or perform any matter or thing by this act required or directed to be done or performed by him, whereby any of his Majefty's fubjects fhall or may fuftain any damage whatsoever, fuch officer fo offending fhall be liable, in any action to be founded on this ftatute, to anfwer to the party aggrieved all fuch damages, with treble cofts of fuit.

And alfo certain tickets.
Penalty on officers making default.

XIII. And it is hereby further enacted, That each and every poftmafter, innkeeper, or other perfon, fo licenfed to let horfes for the purpofe aforefaid, fhall, at the time of receiving his, her, or their firft licence, give fecurity, by bond, to his Majefty, his heirs and fucceffors, in the fum of fifty pounds, with a condition that he, ſhe, or they will, whenever thereunto required, redeliver, or caufe to be redelivered, the ftamp-office tickets which he, ſhe, or they may have received, and that may remain unaccounted for by him, her, or them, or will pay the money due thereon; and that he, ſhe, or they will alfo deliver to the perfon or perfons properly authorized, by the commiffioners appointed for managing the duties arifing by ftamps on vellum, parchment, and paper, to infpect the fame, and to receive the money due thereon, the ftamp-office accounts fo delivered to him, her, or them, as aforefaid, faithfully made out, figned, and attefted, as herein-after directed, and make payment of all fuch fum and fums of money as fhall be due and payable to his Majefty, in purfuance of, and according to the true intent and meaning of this act; and alfo truly and faithfully to obferve and perform all the directions, matters, and things, herein contained, on his, her, or their behalf, to be obferved and performed; and in cafe of the nonperformance or breach of fuch condition, it fhall and may be lawful for the faid commiffioners, or the perfons fo appointed by them, to caufe each and every fuch bond to be profecuted according to law; and in cafe of judgement againft the defendand, the faid commiffioners may, if they fhall think fit, refufe to grant to fuch perfon, againft whom fuch judgement fhall be obtained, any licence to let horfes as aforefaid in future.

Postmafters, etc. on receiving their firft licence, to give fecurity for the redelivery of tickets unaccounted for, etc.

XIV. And, to prevent any difputes arifing at what rate or value the tickets fhall be fettled which may have been delivered,

Tickets unaccounted for, how to be valued.

Postmasters, etc. letting out horses to travel post, shall receive, for the use of his Majesty, of the persons hiring the same, 1 d. 2 q. for every mile each horse is to travel; and shall deliver to them stamp-office tickets properly filled up.

Penalty on neglect thereof.

Travellers to deliver their tickets at the first turnpike they shall pass through.

ed, in pursuance of this act, to the postmasters, innkeepers, or others, and which may remain unaccounted for by him, her, or them, be it enacted, That such tickets shall be valued in account, and paid for, in case of any deficiency, at and after the rate of one shilling and nine-pence for each horse, according to the number of horses expressed by figures on such tickets, and in the receipt given by such postmasters, innkeepers, or other persons for the same.

XV. And be it further enacted, That all and every postmaster, innkeeper, or other person licensed as aforesaid, who shall let horses to hire by the mile or stage, to be used in travelling post, shall, by themselves or servants, previous to the using such horse or horses, ask, demand, and receive, for the use of his Majesty, his heirs and successors, of and from the person or persons hiring the same, the sum of one penny halfpenny *per* mile for each mile such horse shall be so hired to travel, at and after the rate or number of miles which he, she, or they shall charge such traveller or travellers for the stage or distance such horse may be hired to go; and shall, at the same time he or she receives payment of the duty for such horse or horses, deliver, or cause to be delivered, to the person or persons hiring such horse or horses, one or more of the stamp-office tickets herein-before mentioned, as occasion shall require, and to which such postmaster, innkeeper, or other person, shall add, or cause to be added, if an innkeeper, the name of his sign or house; if not an innkeeper, his or her name; and he shall also insert the name of the city, town, or place where such licensed person resides, and the name of the town or place to which such horses may be hired to go; and if to *London*, the name of the street, square, or place in *London*; and in words or figures the month, and day of the month, and the number of miles, for which such horse or horses are so hired: and if any postmaster, innkeeper, or other person, under pretence of there not being any turnpike or toll-bar upon the road through which he may be hired to go, or, under any other pretence whatsoever, shall neglect to ask, demand, and receive the said duty of one penny halfpenny *per* mile from such person or persons hiring such horse or horses, or shall neglect or refuse to deliver the ticket or tickets, filled up as herein-before directed, to such person or persons so hiring the horses as aforesaid, such postmaster, innkeeper, or other person, shall, for every such offence, forfeit and pay the sum of ten pounds; and moreover, in case of not receiving the said rate or duty, be chargeable therewith to his Majesty, his heirs and successors, in the same manner as if he, she, or they, had actually received the same.

XVI. And be it further enacted, That all and every traveller or travellers to whom the tickets, whereon shall be expressed the number of miles, shall be delivered as aforesaid, if they shall pass through any turnpike or toll-bar, shall, at the first turnpike, toll-bar, or bridge, at which any toll shall be by law collected, through which he, she, or they shall pass, deliver,

deliver, or cause to be delivered, to the toll-gate keeper there, the ticket or tickets so given to him, her, or them at the place where he, she, or they hired such horse or horses, which the said toll-gate keeper is hereby directed to demand, and to receive and file; and if any traveller or travellers, so going post as aforesaid, shall have neglected to take such ticket or tickets, or shall not deliver, or cause the same to be delivered, properly filled up, as herein-before is directed, he, she, or they shall, before such horses be permitted to pass through such turnpike or toll-bar, pay for every horse hired and used by such traveller or travellers the sum of one shilling and nine-pence, which the gate-keeper is hereby authorized to ask and demand, and not permit such horse or horses to pass till he, she, or they shall have paid the same, or produced such ticket or tickets as aforesaid.

Penalty on neglect.

XVII. And be it further enacted, That no traveller shall be compelled to pay for a greater number of miles than shall be expressed upon the ticket by this act directed to be issued to such traveller; and if any postmaster, innkeeper, or other person so licensed as aforesaid, shall insert in such ticket the name of any other town or place than the town or place to which the horses shall be hired to go, or shall fill up a less number of miles than the number charged to such traveller, every postmaster, innkeeper, or other person so offending, shall forfeit and pay the sum of ten pounds; and the said commissioners shall, if they think fit, after conviction of such offender, refuse to grant such offender any licence in future.

No traveller to pay for more miles than shall be expressed upon his ticket. Penalty on postmasters, etc. for falsely filling up tickets.

XVIII. *And whereas postmasters, innkeepers, and other persons, add the number of miles upon the tickets issued by them to persons travelling post, according to the distance of the stage, yet nevertheless charge the traveller a sum of money not at or after any certain rate per mile, under a pretence that the sum so charged is their price for the stage;* be it therefore enacted, That where any ticket shall be issued, with the number of miles expressed thereon, and the postmaster, innkeeper, or other person so issuing the same, shall charge the traveller a specifick sum by the stage, and not at or after the usual or any certain rate *per* mile, in every such case, such postmaster, innkeeper, or other person, shall be accountable for one fourth part of the money so received by him, her, or them, as and for the duty by this act directed to be paid; and shall, in that case, express on the said ticket the money charged to such traveller, and enter in the weekly account, herein-before directed to be kept, one fourth part of the money so received, and pay the same to the collector or collectors appointed by this act to receive and collect the said duties; and if any postmaster, innkeeper, or other person, shall act contrary hereto, he, she, or they shall, for every offence, forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

Clause relative to charging travellers a specifick sum by the stage, and not by the mile.

XIX. And be it further enacted, That all and every postmaster, innkeeper, and other person so licensed as aforesaid, who

Postmasters, etc. letting who

out horfes to travel by the day, etc. fhall receive, for the ufe of his Majefty, of the perfons hiring them, 1 d. halfpenny for every mile each horfe is to travel, or 1s. 9d. for each horfe, where the diftance fhall not be afcertained; and fhall deliver to them ftamp-office tickets properly filled up. Penalty on poftmafters, etc. for neglect.

who fhall let to hire any horfe or horfes by the day or lefs period of time, as aforefaid, fhall, by themfelves or fervants, previous to fuch horfe or horfes being ufed, afk, demand, and receive, for the ufe of his Majefty, his heirs and fucceffors, of and from the perfon or perfons hiring the fame, the fum of one penny halfpenny *per* mile for each mile fuch horfe or horfes fhall be fo hired to go, where the diftance fhall be afcertained, and where the diftance fhall not be afcertained, then the fum of one fhilling and nine-pence for each horfe fo hired, previous to fuch horfe or horfes being ufed; and fhall, at the fame time, deliver, or caufe to be delivered, to the perfon or perfons fo hiring fuch horfe or horfes, one or more of the ftamp-office tickets herein-before mentioned, with the words (*for a Day,*) inferted therein, as occafion fhall require; and to which every poftmafter, innkeeper, or other perfon, fhall add, or caufe to be added, if an innkeeper, the name of his fign or houfe, if not an innkeeper, his or her name; and he fhall alfo infert the name of the city, town, or place where fuch licenfed perfon refides, and, in words or figures, the month, and day of the month; and if any poftmafter, innkeeper, or other perfon, fhall neglect to afk, demand, and receive the faid duty of one penny halfpenny *per* mile, or one fhilling and nine-pence for each horfe, as the cafe fhall happen to be, from fuch perfon or perfons hiring the fame, or fhall neglect or refufe to deliver the ticket or tickets fo filled up as aforefaid, fuch poftmafter, innkeeper, or other perfon fhall, for every fuch offence, forfeit and pay the fum of ten pounds, and moreover, in cafe of not receiving the faid rate or duty, be chargeable therewith to his Majefty, his heirs and fucceffors, in the fame manner as if he, ſhe, or they had actually received the fame.

Day-tickets to be delivered at the firft turnpike;

XX. And be it further enacted, That every perfon or perfons, to whom fuch day-ticket as aforefaid fhall be delivered, if he, ſhe, or they fhall, in the courfe of the day for which fuch ticket fhall be given, pafs through any turnpike, toll-bar, or over any bridge (where any toll is collected by virtue of any act or acts of parliament), fhall, at the firft turnpike, toll-bar, or bridge, through which he, ſhe, or they fhall pafs, deliver, or caufe to be delivered, to the toll-gatherer there, the day-ticket or tickets fo given to him, her; or them, at the place where he, ſhe, or they hired fuch horfe or horfes, which the faid toll-gatherer is hereby directed to demand, and to receive and file; and in return for fuch day-ticket or tickets, every fuch perfon or perfons fhall receive from the faid toll-gatherer a ticket, (called *An Exchange Ticket*), to be fupplied from the ftamp-office, which fhall contain the name of the county in which the turnpike or toll-bar fhall be, and the words (*Received Day-ticket*); and alfo the number of horfes according to the figures expreffed in fuch day-ticket, together with the name of the city, town, or place, at which fuch day-ticket was given, and fome mark or number, denoting the particular day in which fuch exchange ticket was iffued, in printed or written letters or figures;

in return for which the gate-keeper fhall give an exchange ticket,

gures; which faid exchange tickets the faid toll-gatherer is hereby directed to deliver to fuch perfon or perfons *gratis*, in return for fuch day-ticket fo left with him as aforefaid; and which faid exchange ticket fo delivered fhall be fhewn by fuch perfon or perfons at every turnpike or toll-bar, through which he, ſhe, or they fhall afterwards on that day pafs with fuch horfe or horfes for which fuch day-ticket fhall have been given: and if any perfon or perfons, to whom fuch day-ticket or tickets fhall be delivered as aforefaid, fhall neglect or refufe to leave the fame at fuch firft turnpike as aforefaid, or fhall refufe to fhew the ticket, fo given to him, her, or them in exchange, at every turnpike or toll-bar, through which he, ſhe, or they fhall on that day pafs as aforefaid, he, ſhe, or they fhall pay, for every horfe then ufed by him, her, or them, the fum of one ſhilling and nine-pence, before fuch horfe or horfes fhall pafs through fuch turnpike, toll-bar, or bridge, the gatekeeper or toll-gatherer there is hereby authorized to ask, demand, receive, and retain the fame to his own ufe; and where the name of the owner of the carriage fhall be marked on the footboard or feat, or pole, ſhaft, or ſplinter-bar, as herein-before is directed to be done, when the carriage is let out to hire at the fame time with the horfes, then fuch gatekeeper or toll-gatherer fhall not permit fuch horfe or horfes to pafs through until fuch traveller fhall have paid the fame, or left fuch day-ticket or tickets, or fhall have produced and fhewn fuch exchange ticket, as aforefaid.

which fhall be fhewn at every turnpike during that day. Penalty on travellers not delivering day-tickets, etc.

XXI. And be it further enacted, That if any perfon or perfons fhall take off, or caufe to be taken off, the brafs or tin plate, herein-before directed to be affixed on carriages ufed as herein-before mentioned, with an intent to evade the payment of the duty, or the fum of one ſhilling and nine-pence for each horfe to be paid at the turnpike or toll-bar, as herein-before is directed; every fuch perfon or perfons fo offending, fhall forfeit and pay the fum of ten pounds, to be recovered and applied in the fame manner as the other penalties in this act are directed to be recovered and applied.

Penalty on taking off the before-mentioned brafs or tin plate, in order to evade payment of the duty;

XXII. And be it further enacted, That in caſe any carriage, upon which any brafs or tin plate is directed to be affixed as aforefaid, fhall pafs through any turnpike or toll-bar, without having fuch brafs or tin plate then affixed thereon, in the manner herein-before directed, the driver or drivers of every fuch carriage fhall forfeit and pay the fum of forty ſhillings, to be recovered and applied in the manner herein-after appointed.

and on drivers of carriages paſſing through any turnpike without fuch plate.

XXIII. *And, in order to prevent evaſions in the filling up the faid tickets, where the horfes are hired to return in a leſs period of time than two days, and the diſtance ſhall be aſcertained,* be it enacted, That where any poſtmaſter, innkeeper, or other perfon, ſhall let to hire any horfe or horfes as aforefaid to return in a leſs period of time than two days, and the number of miles, inſtead of the words (*For a day*), ſhall be inſerted in fuch ticket, every licenſed poſtmaſter, innkeeper, or other perfon, ſhall fill up the name of the place to which the horfes are hired to go,

How tickets for leſs than two days ſhall be filled up.

and the true number of miles, ascertaining the distance both going to and returning from the place expressed in such ticket; and in default of not filling up the said ticket, as herein-before is directed, every such postmaster, innkeeper, or other person, shall forfeit and pay the sum of ten pounds, and more over be chargeable with the said duty to his Majesty, his heirs and successors, in the same manner as if he or she had actually received the same.

XXIV. *And, in order to prevent frauds where horses shall be let to hire for two or more days,* be it enacted, That every postmaster, innkeeper, or other person, when he shall let to hire for two days, or a longer space of time, any horses for drawing any carriage as aforesaid, on any publick road, shall deliver, or cause to be delivered, to the person travelling in such carriage, or to the driver thereof, a note or certificate, to be supplied from the stamp-office, on which shall be engraved or printed (*Hired for Two or more Days*), and to which such postmaster, innkeeper, or other person shall add the day of the month, the name of the place of his abode, and the number of days for which the said horses shall be hired, and the name and place of abode of the person hiring the same; and the person travelling in such carriage, or the driver thereof, shall, at the first turnpike, or other place where toll is by law collected, if he, she, or they shall pass through any, deliver to the toll-gate keeper there the note or certificate so given to him or her as aforesaid, which the said toll-gate keeper is hereby directed to ask and demand, and to receive and file; and in return for such note or certificate, the toll-gate keeper shall deliver a ticket, called (*The Check Ticket*), to be supplied from the stamp-office, which shall contain the name of the county in which the turnpike or toll-bar shall be, and the words (*Certificate delivered*), and also the name of the town or place whence such note or certificate issued, together with some mark or number denoting the particular day on which such check ticket was issued, in printed or written letters or figures; which said check ticket the said toll-gate keeper is hereby directed to deliver to such person or persons *gratis*, in return for such note or certificate so left with him as aforesaid, and which said check ticket, so delivered, shall be shewn by the driver of such carriage, or some person therein, to the toll-gatherer at every turnpike or toll-bar through which the said horses may have occasion to pass: and if any person or persons, so hiring such horses for the purposes aforesaid, shall have neglected to take such note or certificate as above specified, or shall neglect or refuse to leave the same at such first turnpike or toll-bar as aforesaid, or shall refuse to shew, at the several turnpikes or toll-bars through which he shall pass, the check ticket so given to him by the toll-gate keeper as aforesaid, such traveller or travellers shall pay for every horse then used by him or her the sum of one shilling and nine-pence before such horses be permitted to pass such turnpike or toll-bar, which the said toll-gate keeper is hereby authorized to ask, demand, and receive,

Description of the certificates to be delivered to travellers who shall hire horses for two days, or more.

Such certificate to be delivered at the first turnpike;

for which the gate-keeper shall give a check ticket.

If travellers neglect to take such certificates, etc.

they shall pay 1s. 9d. for each horse, which the gate-keeper may retain to his own use.

receive, and retain to his own use, and not permit such horses to pass till such travellers shall have paid the same, or produced such note or certificate, or such check ticket as aforesaid; and if any postmaster, innkeeper, or other person, shall, in such note or certificate, insert any false or fictitious name or place of his or her abode, or shall wilfully insert therein any fictitious name, or place of abode of the person hiring such horses, or shall, in letting out such horses for the purposes aforesaid, by any device or collusion, pretend to let out his horses for a longer space of time than the time for which the same were actually hired, with an intent to evade the duty hereby imposed, such postmaster, innkeeper, or other person shall, for every such offence, forfeit the sum of twenty pounds; and the said commissioners shall, if they think fit, after conviction of such offender, refuse to grant such offender any licence in future.

Penalty on postmasters, &c. delivering false certificates, &c.

XXV. Provided always, and it is hereby enacted and declared, That every horse hired for the purpose of drawing any carriage as aforesaid for any less period of time than two successive complete days, shall be deemed, for the purposes of this act, to be hired for a day, and shall be subject to all the rules, regulations, and restrictions, as horses hired for a day, or less period of time, for drawing such carriages as aforesaid, are by this act made liable and subject to.

Horses hired for any less time than two days, shall be deemed to be hired for one day.

XXVI. And be it further enacted by the authority aforesaid, That every toll-gate keeper who shall have received any of the day tickets, or the notes or certificates for two or more days, as herein-before mentioned, and shall refuse to give any traveller or travellers *gratis*, the tickets hereby directed to be given in exchange, or who shall deliver the exchange ticket or check ticket, without having received in lieu thereof the stamp-office day ticket, or the note or certificate for two or more days, as herein-before mentioned; or who shall make, or permit or suffer to be made, any alteration in any of the tickets hereby directed to be filed by him or her, after such tickets shall have come to his or her custody, or shall deliver any of the tickets directed to be received and filed by him or her, to any person or persons other than the person or persons duly authorised as herein-after mentioned to receive the same, he or she shall, for every such offence, forfeit and pay the sum of forty shillings, to be recovered as herein-after is directed.

Penalty on gate-keepers for neglect of duty.

XXVII. And it is hereby further enacted, That every postmaster, innkeeper, or other person so licensed to let horses as aforesaid, shall insert, in the account herein-before specified, so delivered to him, her, or them, from the stamp-office, the number of horses used in travelling post, and the number of miles for which such horses shall have been so used, and the name of the town or place to which such horses were hired to go; also the number of horses let to hire for a day, or any less period of time; and also the note or certificate so issued by them as aforesaid, and the day of the month on which the said day tickets were used, or such note or certificate was issued, together

Enumeration of particulars to be inserted, by postmasters, etc. in the account to be delivered to them from the stamp-office.

At what times licensed persons refiding in London or Weftminfter, or within five miles thereof, or in the bills of mortality, fhall deliver their accounts at the ftamp-office, etc.

ther with the names of the poftillions or drivers employed: which faid account fhall be figned by fuch poftmafter, innkeeper, or other perfon fo licensed as aforefaid, and witnessed by the hofkler, or other fervant employed in preparing and getting ready fuch horfes, and fhall be open, when required, to the infpection of any perfon or perfons duly authorized under the hands and feals of the faid commiffioners for managing the duties on ftamped vellum, parchment, and paper, to inspect the fame; and fuch poftmafter, innkeeper, and other perfon fo licensed as aforefaid, refiding in the city of *London* or liberty of *Weftminfter*, fhall, the firft *Tuesday* or *Wednesday* in every month, and fuch other perfon fo licensed as aforefaid, refiding within five miles of the head office for ftamps, or within the bills of mortality, fhall, the firft *Thursday* or *Friday* in every month, or at fuch other times as may be appointed by the faid commiffioners, on publick notice given in the *Gazette*, bring in and deliver to the commiffioners, or to the perfon or perfons appointed by them for the purpofe of receiving the fame, at the head office, the accounts herein-before directed for the four weeks ending on the *Saturday* preceding fuch day of delivery, and fhall, at the fame time, pay fuch fum and fums of money which fhall appear to be due thereon to the receiver general for the time being of the duties on ftamped vellum, parchment, and paper, or to the proper officer for the time being for collecting the faid duties, for the ufe of his Majefty, his heirs, and fucceffors, at the head office, upon pain of forfeiting ten pounds for every default in not delivering in fuch account, and double the amount of the money fo due and payable from fuch poftmafter, innkeeper, or other perfon, for the faid rates or duties, for the nonpayment thereof.

Where and when licensed persons living in other parts of the kingdom fhall deliver their accounts, etc.

XXVIII. And it is hereby further enacted, That every poftmafter, innkeeper, or other perfon, fo licensed as aforefaid, not refiding within the cities of *London* or *Weftminfter*, or within five miles of the fame, or within the bills of mortality, fhall, at fuch times and places to be appointed for that purpofe as herein-after mentioned, produce and deliver the accounts herein-before directed for the weeks ending on the *Saturday* preceding fuch delivery, and then unaccounted for, to the perfon or perfons duly authorized and commiffioned, under the hands and feals of three of the faid commiffioners for managing the duties on ftamped vellum, parchment, and paper, to receive fuch accounts, and the money due thereon; and at the fame time pay to fuch perfon or perfons all fum and fums of money, which fhall appear to be due upon fuch accounts, under the penalty of ten pounds for every default in not delivering fuch accounts, and double the amount of the money due and payable from fuch poftmafter, innkeeper, or other perfon, for the faid rates or duties, for the nonpayment thereof.

Postmasters, etc. to enter tickets in their weekly

XXIX. And be it further enacted, That every poftmafter, innkeeper, or other perfon fo licensed as aforefaid, fhall enter, or caufe to be entered, in his weekly account, the tickets, notes,

or

or certificates, ſo iſſued by him, her, or them, on the day in which the ſame ſhall be iſſued; and if any poſtmaſter, innkeeper, or other perſon, ſhall date any of the poſting tickets or day tickets, or any note or certificate, by him or her delivered as aforeſaid, in any other manner than as the ſame ſhall, at the time of ſuch delivery, be entered in his or her weekly account or accounts, he, ſhe, or they ſhall, for every ſuch offence, forfeit and pay the ſum of forty ſhillings, to be recovered and applied as herein-after is directed.

account on
the day they
were iſſued,

on penalty of
40s.

XXX. And it is hereby further enacted, That every poſtmaſter, innkeeper, or other perſon, ſo licenſed as aforeſaid, who ſhall be guilty of any wilful concealment, or making falſe accounts, or any other fraudulent contrivance, device, or pretence whatſoever, with an intent or deſign to defraud his Majeſty, his heirs and ſucceſſors, of any of the rates or duties impoſed by this act, or any part thereof, ſuch poſtmaſter, innkeeper, or other perſon, ſhall forfeit the ſum of fifty pounds, to be recovered as herein-after directed; and the ſaid commiſſioners ſhall and may, if they ſhall ſo think fit, after judgement obtained againſt ſuch offender, reſuſe to grant to ſuch offender any licence in future.

Penalty on
poſtmaſters,
etc. who ſhall
endeavour to
defraud his
Majeſty of the
rates impoſed
by this act.

XXXI. And, in order to prevent the evading the payment of the duties hereby granted, by permitting carriages, conveying perſons poſt, to be drawn by horſes which have paid the duty for the ſtage, under pretence of ſuch horſes being upon the return home; be it further enacted, That every poſtmaſter, innkeeper, or other perſon, who ſhall take the hire for ſuch horſes by the mile, or from ſtage to ſtage, ſhall be conſidered as the perſon to whom the duties herein-before granted ſhall be paid, and ſhall be chargeable with, and accountable for the ſame, as if ſuch poſtmaſter, innkeeper, or other perſon, was the actual proprietor of ſuch horſes, although the ſame may belong to, and be the property of any other licenſed poſtmaſter, innkeeper, or other perſon.

Every poſt-
maſter, etc.
who ſhall take
the hire for
horſes travel-
ling poſt, ſhall
be account-
able for the
duty.

XXXII. And, in order to prevent evading the payment of the duties hereby granted upon horſes hired by the mile or ſtage, under the pretence of the letting ſuch horſes for a day, or any leſs period of time, be it enacted, That no poſtmaſter, innkeeper, or other perſon, at whoſe inn, houſe, or other place kept for letting horſes to hire, any traveller or travellers ſhall change horſes, ſhall let to hire any horſe or horſes to ſuch traveller or travellers, in any other manner than by the mile or ſtage; and if any poſtmaſter, innkeeper, or other perſon, ſhall act contrary hereto, he, ſhe, or they ſhall, for every ſuch offence, forfeit and pay the ſum of ten pounds, to be recovered as herein-after mentioned.

No poſtma-
ſter, etc. at
whoſe houſe
any traveller
ſhall change
horſes, ſhall
let them any
otherwiſe
than by the
mile or ſtage.

XXXIII. And in order to prevent any obſtruction or inconvenience to travellers, from the name of the town or place to which the horſes may be hired to go, being inſerted in the ticket as herein-before is directed; be it enacted, That where any poſtmaſter, innkeeper, or other perſon ſo licenſed as aforeſaid, at whoſe inn, houſe, or other place, any traveller or travellers ſhall apply to change horſes, if he or ſhe cannot furniſh horſes to convey ſuch travellers

Where inn-
keepers can-
not furniſh
horſes to
travellers,

they are to give them a fresh ticket properly filled up, etc.

vellers on their journey, when applied to for that purpose, such postmaster, innkeeper, or other person, shall and is hereby directed to issue to any traveller requiring the same, a fresh ticket properly filled up, and receive the duty due thereon, and charge himself or herself therewith, in the same manner as if the horses had been hired from such postmaster, innkeeper, or other person.

Toll-gate keepers to be allowed 3d. in the pound for all tickets they shall deliver to collectors.

XXXIV. *And, for the encouragement of the toll-gate keepers to be attentive and vigilant in the execution of this act, and as a compensation for their trouble; be it enacted, That all and every toll-gate keeper shall be, and is hereby authorized to demand and receive from the collector, or other person appointed to get in the same, to whom he, she, or they shall deliver the day tickets and posting tickets, in the manner herein-after directed and prescribed, the sum of three-pence for every pound sterling, which the duties upon any such tickets shall amount unto, and at and after that rate for any less sum than a pound sterling; and such collector, or other person, is hereby authorized to pay and allow the same accordingly; and that such allowance of three-pence in the pound shall be over and above the allowance or privilege hereby given to such toll-gate keepers of retaining the money by him, her, or them, collected from such traveller or travellers, person or persons, who shall not, pursuant to this act, have delivered the tickets to such toll-gate keeper as aforesaid.*

Where and when the toll-gate keepers shall bring the said tickets,

XXXV. Provided always nevertheless, and it is hereby enacted, That all and every toll-gate keeper shall, for the compensation and allowance aforesaid, bring, or cause to be brought, the tickets herein-before mentioned, by him or her received, if within five miles of the head office for stamps, then to the said head office there, or to such other place, within the bills of mortality, as the commissioners of the stamp-duties shall appoint; and if beyond the distance of five miles from the head office, then to such places, and at such times, as the collector, appointed to collect such tickets, shall require, and deliver up, or cause to be delivered up, such tickets to the collector to be appointed as aforesaid.

Penalty on toll-gate keepers who shall not deliver up tickets on demand;

XXXVI. And be it further enacted, That all and every toll-gate keeper, who shall have received such stamp-office tickets as aforesaid, who shall not bring, or cause to be brought, such tickets at the times and places aforesaid, shall, upon demand made at the gate of such turnpike or toll-bar, deliver such tickets to the collector to be appointed by the said commissioners for managing the duties on stamped vellum, parchment, and paper, as aforesaid; and if any toll-gate keeper shall refuse to deliver up all and every such stamp-office tickets so received by him or her, upon such demand as aforesaid, every toll-gate keeper shall, for each ticket he or she shall so refuse to deliver up, forfeit and pay the sum of five shillings, to be recovered as herein-after is directed.

XXXVII. And be it further enacted, That if any toll-gate keeper

keeper shall wilfully neglect to ask and demand, or shall refuse to receive, from any person or persons, any ticket or tickets, hereby directed to be delivered to such toll-gate keeper as aforesaid, or shall neglect or refuse to file the same when delivered, every such toll-gate keeper, so wilfully neglecting to ask and demand, or refusing to receive and file such tickets, shall, for every such offence, forfeit and pay the sum of five pounds, to be recovered, levied, and applied in manner herein-after directed.

XXXVIII. *And, in order to prevent any collusion or fraudulent practices in toll-gate keepers*, be it enacted, That in case any toll-gate keeper shall ask, demand, or receive, or agree to take or accept any less sum or sums of money than he or she is hereby authorised to ask, demand, and receive, and retain to his own use, every such toll-gate keeper shall, for every such offence, forfeit and pay the sum of twenty shillings, to be recovered and applied in the manner herein-after appointed.

XXXIX. *And whereas there are many publick roads on which there are no turnpikes, so that the tickets directed to be issued by the several postmasters, and other persons, cannot be received and filed as directed by this act, whereby great frauds are practised*; be it therefore enacted, That it shall and may be lawful to and for the commissioners appointed to manage the duties on stamped vellum, parchment, and paper, to erect bars and gates across any publick road, for the receipt of the tickets directed to be issued in pursuance of this act, and to place a person or persons thereat, who shall have, and are hereby invested with the same power and authority, to collect and receive the tickets, notes, or certificates so issued, and to demand the money from the travellers for not producing and shewing the same, as the turnpike men are authorised by this act to collect, demand, and receive, and to be liable and subject to the same penalties for any thing done contrary to this act, as the turnpike men are subject and liable to.

XL. And be it further enacted, That all and every postmaster, innkeeper, or other person so licensed as aforesaid, not residing within five miles of the head office for stamps, nor within the bills of mortality, shall, at the times and at the places to be mentioned at the foot of the first licence granted to him, her, or them, when the same shall be delivered, and afterwards at the foot of every receipt which shall be given by the collector for the money paid in by him, her, or them, on account of the said duties, attend and there deliver in and pass his account, and pay the duty received by him, her, or them as aforesaid, to the collector so appointed to collect the same: provided that no such person as aforesaid shall be compelled to travel for the payment of the said duties, or other cause whatsoever, touching or concerning the same, if he, she, or they live in a market town, out of the said town; or if he, she, or they live out of a market town, then to no other place than to the market town nearest to his, her, or their habitation.

Gate-keepers fraudulently accepting less than they are authorised to demand, forfeit 20s.

Commissioners may erect bars and gates across publick roads, and appoint persons to receive tickets, etc.

Where postmasters, etc. residing out of the bills of mortality, etc. are to attend and pass their accounts.

This act not to extend to horfes used in hackney-coaches, etc.

All horfes hired by the mile, or stage, to be deemed hired to travel poft.

On the death of any licenfed poftmafter, etc. his executors, etc. fhall not be liable to any penalty for letting horfes to hire, provided they take out a licence within 30 days after his death.

After Aug. 1, 1785, every poftmafter, etc. on delivering his accounts, fhall make oath to the truth thereof.

The oath.

XLI. Provided alfo, and it is hereby further enacted and declared, That nothing herein contained fhall extend, or be construed to extend, to any horfes used in hackney coaches, licenfed purfuant to feveral acts of parliament made for that purpofe, where the horfes drawing fuch hackney coaches fhall be employed to go no greater diftance than ten miles from the cities of *London* or *Weftminfter*, and the fuburbs thereof.

XLII. And it is hereby further enacted and declared, That every horfe, hired by the mile or stage, fhall be deemed to be hired to travel poft, within the true intent and meaning of this act, although the perfon or perfons hiring the fame do not go or travel feveral ftages upon a poft road, or change horfes; and although at the ftage or place, at or to which fuch horfes fhall be hired, there fhall not be any poft houfe; and although there fhall not be any poft fettled or eftablifhed on the road, or any part thereof, upon which fuch horfes fhall be hired to go; any thing herein-before contained, or any law or ufage, to the contrary notwithstanding.

XLIII. And be it further enacted, That if any poftmafter, innkeeper, or other perfon, licenfed to let horfes in manner aforefaid, fhall die, it fhall and may be lawful for his or her executors, administrators, or other perfons fucceeding to fuch inn, houfe, or other place, to let horfes to hire in manner aforefaid, until fuch time as fuch perfon fhall procure fuch licence, and give fuch fecurity as herein-before directed, without being liable to the penalty herein-before inflicted upon the perfons letting horfes to hire without being licenfed in that behalf, provided that fuch licence be taken out within thirty days after the death of fuch poftmafter, innkeeper, or other perfon; and fuch perfon or perfons fhall be fubject to the fame rules, regulations, and charges, and liable to account, and to the payment of the fame rates and duties impofed, as fuch poftmafter, innkeeper, or other perfon, was fubject and liable to account for.

XLIV. And, for the more effectually taking an account of the feveral duties impofed by this act, and preventing frauds therein, be it enacted, That, from and after the faid firft day of *Auguft*, one thoufand feven hundred and eighty-five, every poftmafter, innkeeper, or other perfon, fo licenfed to let horfes as aforefaid, fhall at the refpective times of delivering their accounts to the commiffioners, or other perfon appointed by them to receive the fame, at the head office, or to the collector or collectors authorized by the faid commiffioners to receive the fame, and the money due thereon, make oath, or, being one of the people called *Quakers*, make and fubfcribe a folemn affirmation before fuch commiffioners, or other perfon appointed as aforefaid, or collector or collectors, who are hereby refpectively authorized and impowered to adminifter fuch oath and affirmation to the truth of the accounts then delivered, in the form following:

I A. B. do fwear, (or affirm, as the cafe may require), That the feveral weekly accounts, now by me delivered, of the duties arifing upon

upon horfes, which I have let for the purpose of travelling poſt, or otherwiſe, from the day of to the day of as far as the ſame have been entered and kept by me, are fair, juſt, and true accounts; and that I have charged therein the duty for the true number of miles, received for the uſe of his Majeſty, from the travellers who have hired horſes from me; and that I have inſerted therein an account of all the day-tickets, notes, and certificates iſſued by me; and as far as ſuch accounts have been entered and kept by any other perſon or perſons, I verily believe the ſame to be true.

So help me GOD.

And if any poſtmaſter, innkeeper, or other perſon, taking the ſaid oath or affirmation hereby appointed, ſhall thereby commit wilful perjury, and be thereof convicted, he, ſhe, or they ſhall, for ſuch offence, be ſubject and liable to ſuch pains and penalties as by any law now in being perſons convicted of wilful and corrupt perjury are ſubject and liable to; and if any poſtmaſter, innkeeper, or other perſon, ſo licenſed as aforeſaid, ſhall reſuſe to take the oath or affirmation above required, the collector or collectors of the ſaid duty may reſuſe to receive the money due on ſuch accounts; and ſuch poſtmaſter, innkeeper, or other perſon, ſhall be liable to the penalty of twenty pounds, in the ſame manner as if they had not delivered in their accounts, and paid the money due thereon, for each and every ſuch account ſo reſuſed to be atteſted or affirmed.

Penalty on poſtmaſters, etc. ſwearing falſely,

or reſuſing to take the oath.

XLV. And be it further enacted, That, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, if any perſon who ſhall keep any coach, berlin, landau, chariot, caſaſh, chaiſe-marine, chaiſe, diligence, or other carriage with four wheels, or any caſaſh, chaiſe, chair, or other carriage with two wheels, by what name ſoever the ſame now is or hereafter ſhall be called or known, to be employed as publick ſtage coaches or carriages, for the purpoſe of conveying paſſengers for hire to and from different places within the kingdom of *Great Britain*, ſhall let out the ſame for ſuch purpoſe, without having firſt obtained a licence under the hands of two of the ſaid commiſſioners for managing the duties on ſtamped vellum, parchment, and paper, or ſome perſon duly authorized by them, he, ſhe, or they ſhall forfeit, for every time ſuch coach, diligence, or other carriage ſhall be ſo uſed, the ſum of ten pounds, to be recovered and applied as herein-after is directed.

No perſon ſhall let out for hire any diligence, or poſt-coach, &c. without a licence,

on penalty of 10l. for each offence.

XLVI. And be it further enacted, That, from and after the paſſing of this act, any two or more of his Majeſty's commiſſioners, appointed for managing the duties ariſing by ſtamps on vellum, parchment, and paper, or ſome perſon duly authorized by them, ſhall grant licences, under their hands and ſeals, to any perſon or perſons who ſhall apply for the ſame to let out for hire any ſuch coach, diligence, or other carriage, directed to be licenſed by virtue of this act, for the ſpace of one year,

Commiſſioners of ſtamp-duties to grant ſuch licences to all perſons who ſhall apply for them.

Licence to be renewed ten days previous to the expiration, etc.

year, to commence from the first day of *August*, one thousand seven hundred and eighty-five, upon all licences to be granted on or before that day, and upon licences to be first granted to any person or persons after the said first day of *August*, to commence from the day of the date of such licences; which said licence shall be renewed at least ten days previous to the expiration of the year for which it was granted; and if the person or persons so licensed shall continue to let out for hire such coach, diligence, or other carriage, hereby directed to be licensed, he, she, or they shall, in the same manner, renew such licence from year to year, paying down the respective sums due for such licence, and so yearly and every year as long as he, she, or they shall continue to let out such coach, diligence, or other carriage, for the purpose aforesaid.

Only one diligence, etc. to be kept by virtue of one licence.

XLVII. And be it further enacted, That no person or persons so licensed to let out coaches, diligences, or other carriages, hereby directed to be licensed, shall, by virtue of one licence, keep more than one coach, diligence, or other carriage, for the purposes aforesaid.

All licensed persons to pay one penny for every mile their diligence, &c. shall travel;

XLVIII. And be it further enacted, That all and every person and persons so licensed to use any coach or coaches, diligences, or other carriages, to be employed as publick stage coaches as aforesaid, shall yield and pay to his Majesty, his heirs and successors, the sum of one penny for every mile every such coach or coaches, diligences, or other carriages, shall be so used to travel as aforesaid.

and shall declare, when they receive their licence, to and from what places it is intended to be used, and how often.

XLIX. And it is hereby further enacted, That all and every person or persons so licensed to use such coach or coaches, diligences, or other carriages, to be employed as publick stage coaches as aforesaid, shall, at the time of receiving such licence, declare from what place and to what place such coach or coaches, or other carriages, hereby directed to be licensed, is intended to be used, distinguishing the distance or number of miles between the two extreme towns, or other places, such coach or coaches, or other carriages, is or are intended to go, and the number of journies each such coach or coaches, diligences, or other carriage or carriages, is or are intended to be used, either in the day or in the week, as the case may happen to be, that the same may be inserted in such licence; and all and every person or persons, so licensed for such purpose as aforesaid, shall give security, by bond to his Majesty, his heirs and successors, in the sum of twenty pounds, or in treble the sum to which the duty for the journies inserted in such licences for one month would amount unto, in the option of the said commissioners, with a condition for the faithful accounting for and paying such sums as may be due for the journies expressed in such licences.

All diligences, etc. going to or from London or Westminster, shall

L. And be it further enacted, That all coaches, diligences, or other carriages, directed to be licensed by virtue of this act, that shall go from *London* or *Westminster* to any place in the country, or that shall come from the country to any place in *London*

London or Westminster, shall be licensed at the head office by the commissioners, or some person authorized by them. be licensed at the stamp-office.

LI. *And, in regard it may be difficult to ascertain the number of times such licensed coaches, diligences, or other carriages, making short stages, may go in a day*, it is hereby provided and enacted, That the commissioners for managing the stamp-duties, or the major part of them, or such officers as they shall appoint in that behalf, shall and may, and they are hereby impowered to make such allowances as shall appear to be just, to any person or persons licensed to use any coach, diligence, or other carriage, as aforesaid, upon oath made by the owner of such coach, diligence, or other carriage as aforesaid, before the said commissioners, or the major part of them, or such officers so to be appointed, as to the number of journies actually made in a day by such coach, diligence, or other carriage, where the same shall differ from the number expressed in such licences; which oath the said commissioners, or the collectors authorized by them to receive the said duty, are hereby impowered to administer, and to examine into all the circumstances relative to the number of journies so made by such coach, diligence, or other carriage, as aforesaid, any thing herein contained to the contrary notwithstanding; and the said commissioners, or the major part of them, are hereby impowered to make such regulations, with respect to such coaches, diligences, and other carriages, where such allowances are applied for, as they shall from time to time find necessary, as well for the effectual securing the duties on such coaches, diligences, or other carriages, as doing justice to the owners or proprietors thereof.

Discretionary powers vested in commissioners relative to diligences, etc. making short stages near London.

LII. *And be it further enacted*, That all and every person or persons, so licensed to use every such coach, diligence, or other carriage, as aforesaid, shall mark or paint, or cause to be marked or painted, on the outside pannel of each door thereof, before he, she, or they shall use the same for the purpose aforesaid, his, her, or their christian and surname, together with the name of the place from whence they set out, and to which they are going, in large and legible characters, in letters of a colour distinct from the colour of the carriage, each letter at least one inch in length, under the penalty of ten pounds; and every proprietor of any such coach, diligence, or other carriage, licensed to go from *London* to any other place, or from any other place to *London*, shall, on the first *Monday* in every month, between the hours of eight in the morning and two in the afternoon, unless the same be an holiday, and then on the next day, not being an holiday, clear the said duties charged and become due by virtue of this act, by paying the same to the receiver general of stamped vellum, parchment, and paper, or to the proper officer for the time being for collecting the said duties, for the use of his Majesty, his heirs and successors, at the head office; and if such proprietor or proprietors shall be licensed from any town in the country to any other town than *London*, then such proprietors shall clear the said duties, by

The name of the owner of every diligence, etc. to be painted on the outside of each door.

Where and when the duties arising from diligences, etc. shall be paid.

paying the fame to the perfon duly authorized, by commiffion under the hands and feals of three of his Majesty's commiffioners of the ftamp-duties, to receive the fame, under the penalty of five pounds.

Licensed proprietor of any diligence, etc. to give feveh days notice before he difcontinue the fame.

LIII. Provided always, That every fuch licensed proprietor or proprietors of any coach, diligence, or other carriage, as aforefaid, who fhall lay down and difcontinue the ufe of the fame, fhall give notice in writing, feven days at the leaft before he, ſhe, or they fhall lay down or difcontinue the fame, and fhall have fuch notice indorſed upon the back of fuch his, her, or their licence or licences, or upon the bond ſo to be given as aforefaid, and from thenceforth, on payment of all arrears, fhall be no longer charged or chargeable for the fame.

Postmaſters, etc. to be allowed 3 d. in the pound out of the monies to be accounted for and paid by them.

LIV. And it is hereby enacted, That the receiver general at the head office, and the ſaid other collectors duly appointed to receive the duties hereby impoſed, ſhall make an allowance to the ſeveral poſtmaſters, innkeepers, and other perſons, licensed by virtue of this act to let horſes to hire, by the miles, ſtage, or day, for all monies by them paid on account of the duties by this act impoſed on horſes ſo hired as aforefaid; and they ſhall be entitled reſpectively to deduct, for their own uſe, at and after the rate of three-pence in the pound, out of the monies by them regularly accounted for and paid to ſuch receiver general, or other collector, according to the directions herein-before contained.

Penalty on forging any ticket, or uttering the ſame.

LV. And be it further enacted, That if any perſon ſhall falſely make, forge, or counterfeit, or cauſe or procure to be falſely made, forged, or counterfeited, or wilfully aid or aſſiſt in the falſe making, forging, or counterfeiting any ticket, note, or certificate by this act authorized or directed to be uſed, with an intent to defraud his Majesty, his heirs and ſucceſſors, of any of the ſaid duties; or ſhall utter or publiſh as true, any falſe, forged, or counterfeited ticket, note, or certificate, with an intent to defraud his Majesty, his heirs and ſucceſſors, of any of the ſaid duties; every perſon or perſons ſo offending, and being thereof lawfully convicted, ſhall forfeit and pay the ſum of fifty pounds, to be levied and applied as herein is directed and declared.

Application of penalties, if ſued for within fix months.

LVI. And be it further enacted, That all pecuniary penalties hereby impoſed ſhall be divided and diſtributed (if a proſecution, or ſuit ſhall be commenced for the ſame within the ſpace of fix calendar months from the time of any ſuch penalty being incurred,) in manner following; one moiety thereof to his Majesty, his heirs and ſucceſſors, and the other moiety thereof, with full coſts of ſuit, to the perſon or perſons who ſhall inform and ſue for the ſame.

Pecuniary penalties amounting to 50l. where to be ſued for.

LVII. And be it further enacted, That all ſuch pecuniary penalties which ſhall amount to the ſum of fifty pounds or more, ſhall be ſued for in any of his Majesty's courts at *Weſtmiſter*, for offences committed in *England* and *Wales*, or *Berwick upon Tweed*, and in his Majesty's court of ſeſſions, court

of jufticiary, or court of exchequer in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no effoin, protection, privilege, wager of law, or more than imparlance, fhall be allowed.

LVIII. Provided always, and be it further enacted, That fuch divifion or diftribution of the penalties as aforefaid, fhall be, and is hereby confined and refticted to the profecuting or fuing for the fame within the time herein-before for that purpose limited; and that, in default of fuch profecution or fuit within the time aforefaid, no informer or informers fhall have or be intitled to any part or fhare of fuch penalties, but that the whole thereof fhall belong to his Majesty, his heirs and fucceffors, and fhall be recoverable by information, at the inftance of his Majesty's attorney general, or the lord advocate of *Scotland*; any thing herein contained to the contrary notwithstanding.

All penalties not fued for within fix months, to belong to his Majesty.

LIX. Provided always, and it is hereby enacted, That it fhall and may be lawful to and for any juftice of the peace, refiding near the place where the offence fhall be committed, to hear and determine any offence againft this act which fubjects the offender to any pecuniary penalty, not amounting to fifty pounds; which faid juftice of the peace is hereby authorized and required, upon any information exhibited, or complaint made in that behalf, to fummon the party accused, and alfo the witnesses on either fide, and fhall examine into the matter of fact; and, upon due proof made thereof, either by the voluntary confeffion of the party, or by oath of one or more credible witness or witnesses, to give judgement or fentence for the penalty or forfeiture, according as in and by this act is directed, and to award and iffue out his warrant, under his hand and feal, for the levying any pecuniary penalties or forfeitures fo adjudged on the goods of the offender, and to caufe fale to be made thereof, in cafe they fhall not be redeemed within fix days, rendering to the party the overplus (if any;) and where the goods of fuch offender cannot be found fufficient to answer the penalty, to commit fuch offender to prifon, there to remain for the fpace of fix months, unlefs fuch pecuniary penalty fhall be fooner paid and fatisfied; and if any perfon or perfons fhall find himfelf or themfelves aggrieved by the judgement of any fuch juftice, then he, fhe, or they fhall and may (upon giving fecurity to the amount of the value of fuch penalty and forfeiture, together with fuch cofts as fhall be awarded in cafe fuch judgement fhall be affirmed,) appeal to the juftices of the peace at the next general quarter feffions for the county, riding, or place, who are hereby impowered to fummon and examine witnesses upon oath, and finally to hear and determine the fame; and in cafe the judgement of fuch juftice fhall be affirmed, it fhall be lawful for fuch juftices to award the perfon or perfons to pay cofts, occafioned by fuch appeal, as to them fhall feem meet. Provided always, That if the next general quarter feffions of

Any juftice may determine any offence againft this act, if the penalty be lefs than 50l.

Perfon aggrieved may appeal to the quarter feffions.

the

the peace shall fall within six days after such conviction, it shall and may be lawful for the person so convicted, if he shall think fit, giving such security as aforesaid, to appeal to the next subsequent quarter sessions.

Penalty on witnesses who shall refuse to appear, or to be examined, etc.

LX. And be it further enacted, That if any person or persons shall be summoned as a witness or witnesses, to give evidence before such justice or justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor, or the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace, or appearing shall refuse to be examined on oath, and give evidence before such justice or justices of the peace, before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings, to be levied and paid in such manner, and by such means as are herein-before directed as to other penalties.

Summonses of the proprietors of diligences, etc. left with the book-keeper, etc. shall be deemed good service.

LXI. And be it further enacted, That all summonses, issued by any justice of the peace, in pursuance of this act, against the owners or proprietors of any coaches, diligences, or other carriages required to be licensed by this act, that shall be left at the inn or other place where the diligence, coach, or other carriage, shall put up, with the book-keeper or other person who shall keep the books for taking places in such coaches, diligences, or other carriages, shall be deemed good service on the owners or proprietors of such coaches, diligences, or other carriages, although such owners or proprietors shall not have a residence or habitation in such inn or place.

LXII. And be it further enacted, That a conviction in the form, and to the effect following, (*mutatis mutandis*,) as the case shall happen to be, shall be good and effectual, to all intents and purposes whatsoever, without stating the case, or the facts or evidence in any particular manner; that is to say:

Form of conviction.

BE it remembered, That on the _____ day of _____ in the _____ year of our Lord _____ at _____ in the county of _____ A. B. came before me C. D. one of his Majesty's justices of the peace for the said county residing near the place where the offence was committed, and informed me, that E. F. of _____ on the _____ day of _____ now last past, at _____ in the said county, did [here set forth the fact for which the information is laid;] whereupon the said E. F. after being duly summoned to answer the said charge, appeared before me on the _____ day of _____ at _____ in the said county, and having heard the charge contained in the said information, declared he was not guilty of the said offence, [or, as the case may happen to be,] did not appear before me pursuant to the said summons, [or, did neglect and refuse to make any defence against the said charge,] but the same being fully proved upon the oath of G. H. a credible witness, [or, as the case may happen to be,] acknowledged and voluntarily confessed the same to be true; and it manifestly

manifestly appearing to me that he the said E. F. is guilty of the offence charged upon him in the said information, I do therefore hereby convict him of the offence aforesaid, and do declare and adjudge, that he the said E. F. hath forfeited the sum of _____ of lawful money of Great Britain, for the offence aforesaid, to be distributed as the law directs, according to the form of the statute in that case made and provided. Given under my hand and seal, the _____ day of _____

LXIII. Provided nevertheless, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs and charges of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigation, and so as such mitigation do not reduce the penalties to less than a moiety of the penalties incurred, over and above the said costs and charges; any thing contained in this act, or any other act of parliament, to the contrary notwithstanding.

Justice may mitigate the penalties.

LXIV. And be it further enacted, That the several duties herein-before granted shall be paid from time to time into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time, and in such manner, as the duties now charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the said receipt there shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever.

Receiver general of stamp-duties to pay the duties granted by this act into the exchequer.

Auditor to keep a separate account thereof.

LXV. *And whereas, by an act made in the nineteenth year of his present Majesty's reign, certain duties were granted on licences to be taken out by persons letting horses to hire for travelling post, and certain duties payable on such horses let to hire, and upon certain carriages therein mentioned; which duties, with sundry other duties granted in the same session of parliament, were made a fund for payment of the several annuities granted by an act of the same session of parliament; and which said duties were, by an act of the twentieth year of his said Majesty, repealed, and other duties granted in lieu thereof, and made applicable to the same uses and purposes as the duties so repealed; and by one other act, of the twenty-third year of his present Majesty's reign, certain additional duties were granted on stage coaches, and other carriages, and were, together with other duties, made a fund for payment of annuities granted by an act of the same session of parliament; be it therefore enacted, That, from and after the first day of August, one thousand seven hundred and eighty-five, the yearly sum of eighty-four thousand pounds*

Reciting application of the duties granted by former acts.

Application of the duties granted by this act.

pounds be referved and fet apart, and applied quarterly, at the receipt of the exchequer, out of fuch monies as fhall from time to time arife, as well by the duties granted by this act, as of the arrears of the feveral duties hereby repealed, and fhall be applied towards paying the annuities granted by the faid act of the nineteenth year of his prefent Majefty's reign; and that the yearly fum of forty thoufand pounds be alfo referved and fet apart, and applied quarterly, at the receipt of the exchequer, out of fuch monies as fhall from time to time arife there, as well by the faid duties granted by this act, as of the arrears of the feveral duties hereby repealed, and fhall be applied towards paying the annuities granted by the faid act of the twenty-third year of his prefent Majefty's reign; and that out of the monies which fhall be paid into the receipt of the exchequer, of the duties hereby repealed, and out of the duties granted by this act, a proportional part of the two fums of eighty-four thoufand pounds, and forty thoufand pounds, fhall, from the firft day of *Auguft*, one thoufand feven hundred and eighty-five, to the tenth day of *October*, one thoufand feven hundred and eighty-five, be fet apart and applied towards payment of the annuities granted by the faid feveral acts of the nineteenth and twenty-third years of his prefent Majefty's reign; and the refidue of the produce of the faid rates and duties fhall be a fund for the payment of the feveral annuities, and all fuch other charges and expences as are directed to be paid and payable purfuant to an act of this prefent feffion of parliament, intituled, *An act for granting annuities to fatisfy certain navy, victualling, and transport bills, and Ordnance debentures.*

Part of an act
of 9 Annæ
repealed.

LXVI. And be it further enacted, That fo much of an act made in the ninth year of the reign of her late majefty Queen *Anne*, intituled, *An act for eftablifhing a general poft-office for all her Majefty's dominions, and for fettling a weekly fum out of the revenues thereof for the fervice of the war, and other her Majefty's occafions*, as reftains any perfons, other than the poftmafter-general for the time being, and the refpective deputies and fubftitutes of fuch poftmafter-general, from preparing or providing, or from letting to hire, or furnifhing horfes or furniture for riding poft within this kingdom, fhall be, and the fame is hereby repealed and made void.

Perfons fued
for any thing
done in pur-
fuitance of this
act, may plead
the general
iffue,

LXVII. And be it further enacted, That if any perfon or perfons fhall at any time or times be fued, molefted, or profecuted, for any thing by him or them done or executed in purfuitance of this act, or of any clause, matter, or thing herein contained, fuch perfon or perfons fhall or may plead the general iffue, and give the fpecial matter in evidence for his or their defence; and if upon the trial a verdict fhall be paffed for the defendant or defendants, or the plaintiff or plaintiffs become nonfuited, then fuch defendant or defendants fhall have treble cofts awarded to him or them againft fuch plaintiff or plaintiffs.

and recover
treble cofts.

C A P. LII.

An act for better examining and auditing the publick accounts of this kingdom.

WHEREAS the present method of accounting for the receipts, issues, and expenditures of the publick money, before the auditors of the imprest, is become insufficient to answer the good purposes intended thereby; for remedy whereof, it is important that a more effectual method shall be provided in future for examining the publick accounts of the kingdom, and for preventing, so far as possible, all delays, frauds, and abuses, in delivering in and passing the same: and whereas it is expedient, for the effecting thereof, that the right vested in the right honourable lord Sondes, and the right honourable John Stuart commonly called Lord Viscount Mountstuart, now lord Cardiff, which they derive from the patents granted to them respectively, as auditors of the imprest, should cease and determine, on due compensation being made to them for their interest in the same; and that all fees, gratuities, and perquisites, in the office of the auditors of the imprest, should be forthwith abolished; and that every officer and clerk in the said office or department should be paid by the publick a certain fixed annual salary, in lieu of all such fees, gratuities, and perquisites: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-five, the patents granted by his late and present Majesty, under the great seal of Great Britain, to the said lord Sondes, and the said lord Mountstuart, as auditors of the imprest, shall be vacated; and that all the powers, authorities, rights, privileges, and advantages, thereby granted and given, shall cease and determine from the fifth day of July, one thousand seven hundred and eighty-five; from and after which time, no fee, gratuity, perquisite, or emolument, shall be received or taken by any person or persons whomsoever, employed in the making up, passing, or auditing any publick accounts under the authority of this act.

II. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to affect the rights of any officer or minister of the exchequer, other than the auditors of the imprest, or any person or persons under them.

III. And whereas it is just and proper that the said lord Sondes, and lord Mountstuart, should have a reasonable and equitable provision during their lives, in lieu of the profits and emoluments of the said offices of auditors of the imprests, of which they are divested under this act; be it enacted, That, from and after the said fifth day of July, one thousand seven hundred and eighty-five, there shall be paid, out of the aggregate fund, to the said lord Sondes, the annual sum of seven thousand pounds clear of all deductions, and

From July 5, 1785, the patents granted to the auditors of the imprest vacated.

Not to affect other officers of the exchequer.

Compensation to the auditors in lieu of the emoluments of their offices.

and to the said lord *Mountstuart* the like annual sum of seven thousand pounds clear of all deductions, during their lives respectively, by equal quarterly payments; the first payment to be made on or immediately after the tenth day of *October* following.

His Majesty may appoint five commissioners for auditing the publick accounts.

IV. *And, in order effectually to provide such examination of all publick accounts in future as may be necessary for the security of the publick interest,* be it further enacted, That it shall and may be lawful for his Majesty, his heirs and successors, to nominate and appoint five commissioners, by letters patent under the great seal of *Great Britain*, two of whom shall be the comptrollers of the army accounts, now and hereafter for the time being; and to grant fixed salaries to each of the said commissioners, to be paid out of the aggregate fund, not exceeding in the whole the sum of four thousand pounds clear of all deductions annually, who shall be stiled, *The commissioners for auditing the publick accounts*, and shall hold their offices *quam diu se bene gesserint*, (except the said comptrollers of the army accounts, who shall continue to be commissioners for auditing the publick accounts so long only as they shall be comptrollers of army accounts;) and shall, before they shall enter upon the execution of the powers vested in them by this act, take an oath before the chancellor of the exchequer, which he is hereby authorised and required to administer, the tenor whereof shall be as followeth; (that is to say:)

Commissioners to be sworn.

Their oath.

I A. B. *do swear, That, according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several powers and trusts vested in me by an act for better examining and auditing the publick accounts of this kingdom.*

So help me GOD.

Treasury to appoint officers for preparing publick accounts;

and to allow them salaries, etc.

V. And be it further enacted, That the lord high treasurer, or the commissioners of the treasury, or any three of them, shall be, and he or they are hereby authorised to appoint such officers and clerks, and other persons, as shall appear to them to be necessary, from time to time, for making up and preparing for declaration the several publick accounts of the kingdom, with such fixed salaries to each as they shall judge proper; and to allow such reasonable sums, as to them shall seem fit, from time to time, for stationary, coals, candles, and other incidental charges to be incurred in the office for auditing the publick accounts, to be paid out of the aggregate fund, not exceeding in the whole the annual sum of six thousand pounds clear of all deductions, which shall be to the several officers, clerks, and other persons, in lieu of all fees, gratuities, and perquisites whatsoever.

VI. *And whereas it is just and reasonable that some provision should be made for certain persons during their lives, who now hold employments under the before mentioned auditors of the imprest, and*

for others who have retired therefrom upon annual allowances paid to them by the said auditors; be it enacted, That, from and after the fifth day of July, one thousand seven hundred and eighty-five, there shall be paid out of the aggregate fund to Philip Deare esquire, deputy to the lord viscount Mountstuart, and to John Wigglesworth esquire, deputy to the lord Sondes, the annual sum of three hundred pounds each; to John Lloyd, formerly deputy to the lord Sondes, the annual sum of three hundred pounds; and to Charles Harris, formerly one of the clerks in the office of the lord viscount Mountstuart, the annual sum of two hundred pounds; the said several sums to be clear of all deductions, by equal quarterly payments, the first payment to be made on or immediately after the tenth day of October, one thousand seven hundred and eighty-five.

VII. Provided always, and be it enacted, That the annuities made payable by this act to the several persons herein-before named, shall be issuing and payable out of, and charged and chargeable upon the duties and revenues which compose the fund commonly called *The Aggregate Fund*, and every or any of them, (after paying, or reserving sufficient to pay, all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same.)

VIII. And be it further enacted, That the commissioners to be appointed under the authority of this act shall be, and they are hereby invested with all the powers and authorities, and shall be subject to the performance of the same duties, and liable to the same controul, which the auditors of the imprest are now by law, usage, or custom invested with, or are subject or liable to, except as the same are or shall be altered or affected by this act; and the said commissioners, or any three of them, shall, and they are hereby authorized to administer to every of the officers and clerks, who shall be appointed as before directed, an oath, for his true and faithful demeanor in all things relating to the due performance of the trust reposed in him.

IX. And be it further enacted, That the said commissioners, or their successors, shall be, and they are hereby authorized and required to call before them, by precepts under their hands, or the hands of any three or more of them, all such persons as shall have received any sum or sums of money by way of imprest, or in any other manner, for which they shall be accountable, to attend upon them personally, from time to time, as they shall be required, and to exhibit to them the said commissioners, or any three or more of them, all such accounts, books, certificates, warrants, muniments, receipts, or other papers whatsoever, in the possession of such persons, which shall appear to be necessary for the purposes of their examination; and it shall and may be lawful for the said commissioners, or any three of them, and they are hereby authorized, when they shall see occasion, to cause search to be made, or extracts to be taken from the books, rolls, or records, in the custody or keeping of

Annuities to be allowed to certain officers under the auditors;

and to be charged on the aggregate fund.

Commissioners to be vested with all the powers, etc. of the auditors;

and to administer oaths to their officers.

Commissioners may call before them all persons who have received money by way of imprest, etc.

any officer or miniſter in the court, or in the receipt of the exchequer, without paying any fee or reward for the ſame,

Commiſſioners to examine accounts as ſoon as poſſible.

X. And be it further enacted, That the ſaid commiſſioners, or any three or more of them, ſhall try and examine the ſeveral accounts and vouchers, which ſhall be tranſmitted to them from time to time, with as little delay as poſſible; and upon trial and examination thereof, ſhall make full, juſt, and perfect accounts, or declarations of accounts, containing briefly the ſum and ſubſtance thereof in charge and diſcharge.

Directions relative to auditing accounts.

XI. And be it further enacted, That in auditing and examining all publick accounts, the commiſſioners ſhall allow ſuch articles of diſcharge only, as the ſaid accountants reſpectively ſhall have been duly authorized to incur, unleſs, upon a ſpecial ſtatement of the matter to the lord high treaſurer, or commiſſioners of the treaſury, the ſaid commiſſioners ſhall be directed to make further or other allowances to the ſaid accountants accordingly, by warrant under the hand of the ſaid lord high treaſurer, or the commiſſioners of the treaſury; or any three of them.

Commiſſioners may examine accountants on oath.

XII. *And, for the rendering more effectual all ſuch examinations as are intended to be had under this act,* be it enacted, That it ſhall and may be lawful for the commiſſioners, to be appointed by authority thereof, or any three of them, and they are hereby authorized and required to examine upon oath (which oath they, or any three or more of them, are hereby authorized to adminiſter), all accountants whom they ſhall find occaſion to call before them, and all other perſons whom the ſaid commiſſioners, or any three or more of them, ſhall think fit to examine, touching the receipt and expenditure of the money forming the charge and diſcharge of each account reſpectively, and touching all other matters and things neceſſary for the due execution of the powers veſted in the ſaid commiſſioners by this act.

Penalty on perſons giving falſe evidence before the commiſſioners.

XIII. And be it further enacted by the authority aforeſaid, That in caſe any perſon or perſons, in the courſe of their examination upon oath before the commiſſioners, to be appointed as before provided, or their ſucceſſors, ſhall wilfully and corruptly give falſe evidence, ſuch perſon or perſons ſo offending, and being thereof duly convicted, ſhall be, and is and are hereby declared to be ſubject and liable to ſuch pains and penalties as, by any law now in being, perſons convicted of wilful and corrupt perjury are ſubject and liable to.

Commiſſioners to make up a ſtate of accounts, and lay them before the treaſury.

XIV. And be it further enacted, That when the examinations of each account ſhall be completed by the ſaid commiſſioners, they, or any three of them, ſhall, and they are hereby required to make up a ſtate thereof, and lay the ſame before the lord high treaſurer, or the commiſſioners of the treaſury, who, after due conſideration of all particulars, ſhall grant their warrant to the ſaid commiſſioners to prepare the ſame for declaration, in the manner and form which has been accuſtomed.

XV. And be it further enacted and declared, That all accounts

counts of the expenditure of the publick money, which have heretofore been passed in the office of the auditors of the imprest, shall, from and after the fifth day of July, one thousand seven hundred and eighty-five, be delivered to the commissioners to be appointed under the authority of this act, together with the vouchers belonging thereto.

XVI. *And whereas it is necessary that the commissioners to be appointed under the authority of this act should have early information respecting the issues of money from the exchequer to persons on account,* be it enacted and declared, That the auditor of the exchequer shall transmit to the said commissioners a certificate of all monies issued from the exchequer to persons by way of imprest, and upon account, in like manner as he now doth to the auditors of the imprest.

Accounts of expenditure of publick money to be delivered to the commissioners.

Auditor to transmit to the commissioners a certificate of monies issued upon account.

XVII. *And whereas great losses and inconveniencies have arisen to the publick by sub-accountants not having been put in charge till a long time has elapsed after the monies were issued to them,* be it enacted, That the paymaster general of his Majesty's forces, the treasurer of the navy, the treasurer of the ordnance, and every other publick officer who shall hereafter pay into the hands of any person or persons whomsoever, money for publick services, by way of imprest, or on account, shall, within thirty days of the thirty-first day of December, one thousand seven hundred and eighty-five, and within thirty days of the thirty-first day of December in every future year, transmit an account of all sums of money issued or paid by him or them to any person or persons, for the publick service, within the preceding year, to the commissioners to be appointed under the authority of this act; who shall, and they are hereby required forthwith to transmit duplicates of the same to his Majesty's remembrancer in the court of exchequer, who shall immediately, on receipt of such accounts, put the several sums so issued in charge against the parties, in like manner as is now practised with respect to persons who receive money by way of imprest, and on account, at the receipt of his Majesty's exchequer.

Paymaster of the forces, etc. to transmit to the commissioners an account of all monies issued by them by way of imprest, etc.

XVIII. *Provided always, and be it enacted, That no accountant shall be allowed in his account any sum which he shall issue or pay over to any sub-accountants, unless he shall have transmitted to the said commissioners regular accounts thereof, in the manner and within the times above mentioned; unless proof shall be produced, to the satisfaction of the lord high treasurer, or the commissioners of the treasury, that any failure of transmitting the same did not happen from the wilful neglect of the person issuing or paying over the money as aforesaid.*

Accountants not to be allowed any sum they shall neglect to transmit an account of, as above mentioned.

XIX. *And whereas it is highly important, towards effecting the purposes intended by this act, that the commissioners to be appointed under the authority thereof should be empowered to compel accountants to bring forward their accounts;* be it enacted, That the said commissioners shall, so often as they shall think fit, call upon such persons to whom sums of money have been, or shall be so

Commissioners may compel accountants to bring forward their accounts.

iffued and paid, to render an account of the fame to them the faid commiffioners, within a time to be by them limited; and on failure of the accounts being delivered accordingly, within the time fo limited, the faid commiffioners fhall, and they are hereby required to include the names of all fuch defaulters in their certificates, tranfmitted to the office of his Majefty's remembrancer, in order that the ufual procefs may iffue thereupon; and alfo, in cafe they fhall fee caufe, they are hereby required to give notice thereof to his Majefty's attorney general in *England*, his Majefty's advocate in *Scotland*, or his Majefty's attorney general in any of the colonies or plantations belonging to the crown of *Great Britain*, as the cafe may require, in order that fuch motions may be made by the faid officers to the court of exchequer, or other proper court, and fuch further or other procefs may be iffued in order to his moving the court of exchequer in *England* or *Scotland*, or the proper court in the colonies or plantations, for fpecial procefs to be iffued againft fuch defaulter or defaulters, as may be deemed neceffary to compel him or them to deliver in his or their accounts, as directed by the faid commiffioners, unlefs, upon application of the parties, their agents or attornies, to the lord high treafurer, or the commiffioners for executing that office, on a fpecial ftatement of circumftances to juftify delay, the faid lord high treafurer, or commiffioners of the treasury, fhall grant their warrant to ftay the procefs for fuch reasonable time as they fhall think fit.

Sub-accountants to deliver to the commiffioners, vouchers for expenditure of monies iffued to them, within certain limited times.

XX. And be it further enacted and declared, That every fub-accountant to whom money fhall hereafter be iffued for publick fervices, in cafe the money fo iffued fhall have been for fervices to be performed in *Great Britain*, fhall deliver in to the office of the commiffioners to be appointed by virtue of this act, the vouchers for the expenditure thereof, together with an account current, within three months of the end of each year from the commencement of his account, unlefs it has been ufual for fuch account to be made up to any fixed period in the year; in which cafe they fhall be delivered within three months of the ufual annual time of the determination of each account refpectively; and in cafe fuch monies fhall have been iffued for fervices to be performed in any part of *Europe* out of this kingdom, then the vouchers fhall be delivered within four months of the expiration of each year's accounts; if in the *West Indies*, the continent of *America*, or in *Africa*, within fix months after the expiration of each year's accounts; and if in the *East Indies*, within twelve months after the expiration of each year's accounts; unlefs it fhall in each and every cafe be made appear, to the fatisfaction of the commiffioners of the treasury, that the failure of tranfmitting the fame, within the periods before-mentioned, was unavoidable; in which cafe fuch further delay may be granted, by warrant under the hands of the commiffioners of the treasury, or any three of them, as they fhall judge reasonable; and in fuch cafes the vouchers fhall be delivered at the expiration of the term of delay fo granted, on pain, upon failure in

in any of the above-mentioned cafes, of paying fuch fine to his Majesty as the court of exchequer, on application made to them, fhall think fit to fet and impofe; which fine the faid court is hereby authorized and impowered to fet and impofe accordingly.

XXI. And be it further enacted, That procefs fhall in no cafe be iffued from the court of exchequer, againft any fub-accountant, who is to account to the principal officers of the board of ordnance, or the principal officers and commiffioners of his Majesty's navy, the commiffioners for victualling his Majesty's navy, or the commiffioners for fick and hurt, refpectively, for fums which have been iffued to fuch fub-accountants by the treafurer of the ordnance, or the treafurer of the navy, without directions being previously given for that purpofe by the lord high treafurer, or the commiffioners of the treafury, after a reference of their cafes to the commiffioners of the boards above mentioned refpectively, and a report made thereupon. Provided always, That no procefs fhall iffue againft any fuch fub-accountant until twelve months fhall have elapfed from the time of the making up the accounts of the faid treafurer annually.

Procefs not to iffue againft certain fub-accountants, without directions from the treafury.

XXII. Provided always, and be it enacted, That when any fub-accountant or fub-accountants fhall transmit to the commiffioners to be appointed under the authority of this act, a fufficient and fatisfactory difcharge from the principal officers of the ordnance, the commiffioners of his Majesty's navy, the commiffioners for victualling his Majesty's navy, or the commiffioners of fick and hurt, for any monies he or they fhall have received in the faid departments feverally, the faid commiffioners fhall transmit a duplicate of the fame to his Majesty's remembrancer in the court of exchequer, who fhall forthwith ftrike out the name or names of fuch fub-accountant or fub-accountants from the impreft roll; and fuch fub-accountant or fub-accountants fhall from thenceforth be difcharged from any other or further account for the fame.

When fub-accountants transmit a difcharge from the officers of ordnance, etc. their names to be ftruck out of the impreft roll.

XXIII. And be it further enacted and declared, That, from and after the fifth day of *July*, one thoufand feven hundred and eighty-five, no article fhall be allowed in the account of any perfon intrufted with the expendifure of the publick moneys, without a written voucher, or other evidence of the actual payment of every fum fo claimed to be allowed, notwithstanding any allegation of papers being loft or deftroyed, except on application to the court of exchequer, who fhall, and they are hereby authorized and required, on fuch application, to call before them, as well the faid commiffioners, or fome perfon on their behalf, as the party accounting, and fhall caufe notice thereof to be fent to his Majesty's attorney general; and after hearing as well the evidence, which fhall be brought on the part of the crown by the faid attorney general, or the faid commiffioners, as that which fhall be brought on the part of fuch accountant, the faid court fhall make fuch order as they fhall

No article to be allowed in accounts of expendifure of publick moneys, without a written voucher, etc.

Anno vicefimo quinto GEORGH III. C. 53, 54. [1785.
think fit; and the feveral officers and perfons, whofe duty it
fhall be to audit and make up the accounts, fhall govern them-
felves accordingly.

Books, etc. in
the auditors
offices to be
delivered to
the commif-
fioners.

XXIV. And be it further enacted and declared, That all
official books, papers, and accounts whatfoever, now remain-
ing in either of the offices of the auditors of the impreft, or
which have been ufually, or ought to have been kept therein,
fhall be deemed to be publick property, and fhall be delivered
over to the commiffioners to be appointed under the authority
of this act.

Commiffion-
ers not to fit
in the houfe
of commons.

XXV. Provided always, and be it enacted and declared,
That no commiffioner appointed or to be appointed by virtue
of this act, fhall, during his continuance in fuch office, be
capable of being elected, or of fitting as a member of the houfe
of commons.

C A P. LIII.

*An act for settling an annuity of nine thousand pounds on his royal
highnefs the duke of Gloucefter, in lieu of the like annuity payable
out of the duties of four and one half per centum in Barbadoes
and the Leeward Iflands.*

Moft gracious Sovereign,

Preamble.

WHEREAS your Majesty has been pleafed to communicate to
your faithful commons, that your Majesty having, in the
year one thoufand feven hundred and fixty-feven, fettled an annuity of
nine thoufand pounds as a provifion in part for the honourable fupport
and maintenance of your Majesty's dearly beloved brother, the duke of
Gloucefter, payable out of the duties of four and one half per cen-
tum in Barbadoes and the Leeward Iflands; and that your Ma-
jesty underftanding the faid fund is not fufficient for the regular pay-
ment of the faid annuity, and of the other charges upon the fame;
and your Majesty having been pleafed to recommend to the confidera-
tion of your faithful commons, to make fuch provifion as may appear
to be reasonable for fubftituting fome other fund, out of which the faid
annuity may be paid in future: now, we, having taken into con-
fideration your Majesty's moft gracious message, do moft hum-
bly befeech your Majesty that it may be enacted, &c.

An annuity of 9,000l. per ann. to be paid to the duke of Gloucefter,
out of the aggregate fund, to commence April 5, 1785; and to be paid
quarterly. Commiffioners of treafury to direct the auditor to make
forth debentures accordingly. Warrant, when figned, to be valid in
law. Commiffioners of the treafury, etc. to do all things required by
this act, without fee. The receipt of the duke of Gloucefter, etc. to
be a fufficient difcharge.

C A P. LIV.

An act for better fecuring the duties upon coals, culm, and cinders.

From Aug. 1, 1785, collector, etc. not to clear coaftwife, etc. any vef-
fel laden with coals, culm, or cinders, until the mafter fhall deliver two
proper certificates; one of which, a'ter being figned, etc. fhall be re-
turned

turned to the mafter. Any fitter, etc. making default in delivering certificates, to forfeit 50l. Coals cleared coastwife, and delivered beyond fea, before the duties on exportation be paid, and the owner, before he clears out again, to pay thofe duties before due, and alfo 3s. per chaldron. Upon proof of the vefel being forced from the coast into foreign parts, by contrary winds, etc. a certificate thereof to be granted to the mafter, that his coast bond may be difcharged, etc. Entry and register of fitters certificate to be evidence. Penalty to be recovered by action or information; one moiety to the King, the other to the profecutor. Defendants may plead the general iffue, and give the act in evidence, and recover treble cofts.

C A P. LV.

An act for granting to his Majesty certain duties on licences, to be taken out by perfons vending gloves or mittens; and alfo certain duties on gloves and mittens fold by retail.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal fubjects, the commons of *Great Britain*, in parliament afsembled, towards raifing the neceffary fupplies which we have granted to your Majesty in this feffion of parliament, have voluntarily refolved to give and grant unto your Majesty the feveral rates and duties herein-after mentioned; and do moft humbly befeech your Majesty that it may be enacted; and be it enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament afsembled, and by the authority of the fame, That, from and after the firft day of *Auguft*, one thoufand feven hundred and eighty-five, there fhall be raifed, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the ufe of his Majesty, his heirs and fucceffors, the feveral rates and duties following; (that is to fay), all perfons uttering or vending in *Great Britain*, any gloves or mittens, made of filk or leather, or any other material or materials, fhall annually take out a licence for that purpofe, in manner herein-after prefcribed:

From Aug. 1, 1785, the following duties to be paid by venders of gloves:

For every licence granted to any perfon fo uttering or vending fuch gloves or mittens, as aforefaid, there fhall be charged a ftamp-duty of one fhilling:

For an annual licence, 1s.:

For every pair of gloves or mittens, made of filk or leather, or any other material or materials, above the price or value of four-pence, and not exceeding the price or value of ten-pence, which fhall be uttered, vended, or fold by retail in *Great Britain*, there fhall be charged a ftamp-duty of one penny:

For every pair of gloves or mittens re-tailed, from 4d. to 10d.—1d.:

For every pair of gloves or mittens, made of filk or leather, or any other material or materials, above the price or value of ten-pence, and not exceeding the price or value of one fhilling and four-pence, which fhall be uttered, vended, or fold by retail in *Great Britain*, there fhall be charged a ftamp-duty of two-pence:

From 10d. to 1s. 4d.—2d.:

For

Above 1s. 4d.
—3d.

For every pair of gloves or mittens, made of ſilk or leather, or any other material or materials, exceeding the price or value of one ſhilling and fourpence, which ſhall be uttered, vended, or ſold by retail in *Great Britain*, there ſhall be charged a ſtamp-duty of three-pence.

Duties to be
under the ma-
nagement of
the commiſ-
ſioners of
ſtamps.

II. And be it further enacted, That, for the better and more effectual levying and collecting all the ſaid duties herein-before granted, the ſame ſhall be under the government, care, and management of the commiſſioners for the time being appointed to manage the duties charged on ſtamped vellum, parchment, and paper; who, or the major part of them, are hereby, required and impowered to employ ſuch officers under them for that purpoſe, and to allow ſuch ſalaries and incidental charges as may be neceſſary, and to provide and uſe ſuch ſtamps to denote the ſaid duties, as ſhall be requiſite in that behalf, and to do all other things neceſſary to be done for putting this act into execution, with relation to the ſaid rates and duties herein-before granted, in the like and in as full and ample manner as they, or the major part of them, are or is authorized to put in execution any former law concerning ſtamped vellum, parchment, and paper.

Persons ſell-
ing gloves or
mittens with-
out a licence,
to forfeit 20l.

III. And be it further enacted, That, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, no perſon whatſoever, required by this act to be licenſed, ſhall, unleſs he or ſhe be licenſed in manner herein-after preſcribed, utter, vend, or ſell, any gloves or mittens, made of ſilk, leather, or any other material or materials, in *Great Britain*, upon pain to forfeit, for every offence, the ſum of twenty pounds, to be recovered and applied as herein-after is directed.

Two commiſ-
ſioners may
grant li-
cences.

IV. And be it further enacted, That, from and after the paſſing of this act, any two or more of his Maſteſty's commiſſioners, appointed for managing the duties ariſing by ſtamps on vellum, parchment, and paper, or ſome perſon duly authorized by them, ſhall grant licences to ſuch perſons who ſhall apply for the ſame, to ſell gloves or mittens, in any city, town, or other place within *Great Britain*, for the ſpace of one year, to commence from the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, upon all licences to be granted on or before that day, and upon licences to be firſt granted to any perſon or perſons after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, to commence from the day of the date of every ſuch licence; and all and every perſon and perſons, who ſhall take out ſuch licence for ſelling gloves, or mittens, ſhall take out a freſh licence for another year, ten days at leaſt before the expiration of that year for which he or ſhe ſhall be ſo licenſed, if he or ſhe ſhall continue to ſell gloves or mittens; and ſhall in like manner renew ſuch licence from year to year, paying down the reſpective ſums due for the ſtamps on ſuch licence, as long as he or ſhe ſhall continue to ſell gloves or mittens.

Licences to
be renewed
annually.

V. And

V. And be it further enacted, That every person vending or exposing to sale gloves or mittens by retail, shall cause the words, *Dealer in Gloves*, to be painted or written in large and legible characters, either over the door, or in some visible place in the front of his or their house, shop, or warehouse, at the respective place at which he or they keep such gloves for sale, to denote that such person or persons is a dealer in gloves, and licensed for that purpose: and if any person shall presume to sell any gloves or mittens by retail, without fixing or hanging out such notice as aforesaid, every person so vending or exposing to sale any gloves or mittens shall, for every pair of gloves or mittens so sold, forfeit and pay the sum of five pounds, to be recovered and distributed as herein-after is directed.

All persons vending gloves to have certain words placed on the front of their shops, etc.

on penalty of 5l. for every pair sold.

VI. And be it further enacted, That if any person or persons shall cause the words, *Dealer in Gloves*, to be affixed or put on the front of his, her, or their house or shop, or warehouse, without being licensed as aforesaid, he, she, or they so offending shall, for every offence, forfeit the sum of forty pounds.

Penalty on affixing such words without being licensed.

VII. And whereas doubts may arise what person or persons may be considered as a retail dealer or dealers in gloves, within the construction of this act, be it therefore enacted and declared, That all persons who shall sell any less quantity than twelve dozen pair of gloves or mittens at one time, to any one person, shall be deemed a retailer of gloves.

Who shall be deemed retailers of gloves.

VIII. And, in order to secure the duty aforesaid, be it further enacted, That every person, uttering or vending by retail, or exposing to sale, any gloves or mittens liable to the said duty hereby imposed, shall apply to the commissioners of stamps, or to the officers appointed by them, for paper tickets, stamped with the several and respective duties hereby imposed, to be pasted or affixed, by the person or persons so uttering or vending by retail such gloves or mittens as aforesaid, to the inside of the right hand glove or mitten, in such manner and form as the said commissioners shall direct; and every pair of gloves or mittens, uttered, vended, or sold by any retail dealer, shall have affixed upon the inside of the right hand glove of each such pair, such stamped ticket, mark, or device, in such manner and form, and in such part thereof, as the commissioners of his Majesty's stamp-duties shall from time to time direct.

Retailers of gloves to apply to the commissioners of stamps for tickets to be affixed on gloves.

IX. And be it further enacted, That if any retail dealer shall vend, utter, sell, or expose to sale, or if any person or persons shall purchase, or receive in exchange for any other article, any gloves or mittens, subject to the stamp-duties hereby imposed, unless the stamp ticket hereby directed to be affixed to the same shall be affixed, and marked and stamped as by this act is directed, or that shall have any ticket affixed thereto marked or stamped with a stamp or mark of less denomination or value than by this act is directed to be affixed; every such person and persons so offending shall forfeit and pay, for every such pair of gloves or mittens so sold, uttered, or exposed to sale, or so bought or received in exchange, the sum of twenty pounds; to be

Penalty on selling, etc. any gloves without a proper stamp.

be recovered and applied as herein-after is directed: and if the party so offending shall be a retail dealer, licensed pursuant to this act, the said commissioners of stamps shall and may, if they shall so think fit, after conviction of the offender, refuse to grant to such offender any licence in future.

Not to extend to one licensed dealer selling to another.

X. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to any person licensed in pursuance of this act, who shall sell to any retailer of gloves or mittens also licensed, any gloves or mittens, although the stamp ticket hereby directed to be affixed to the same shall not be affixed, and marked and stamped as by this act is directed.

Penalty on taking off any stamp, or affixing the same to any other gloves, with a fraudulent intent.

XI. *And, to prevent the mark or stamp, hereby directed to be used, which has been sold with or affixed to any pair of gloves or mittens, from being made use of again to affix to any other pair of gloves or mittens,* be it enacted, That if any person or persons shall, with intent to defraud his Majesty of the duties hereby imposed, cut, tear, or take off, any mark or stamp, in respect whereof or by which any duties are hereby payable for any pair of gloves or mittens, or shall, with the like intent, affix or paste on in any glove or mitten, any ticket hereby directed to be stamped, the same having been once made use of for the purpose aforesaid, and shall hereafter knowingly sell, utter, or expose to sale, any pair of gloves or mittens with such ticket so fraudulently cut from, taken off, or removed, then, so often and in every such case, all and every person and persons so offending in any of the particulars before mentioned, shall forfeit the sum of twenty pounds; to be recovered and applied as herein-after is directed.

Penalty on buying or selling any such used tickets.

XII. *And, to prevent any persons from selling or buying any ticket or tickets which have been before sold and made use of for denoting any of the duties by this act imposed, and for preventing such frauds,* be it enacted, That if any person shall, from and after the first day of August, one thousand seven hundred and eighty-five, sell or buy any such ticket, in order to be again made use of, to be sold with and affixed to any glove or mitten liable to the duty hereby imposed, every such person so offending shall, for every such offence, forfeit the sum of twenty pounds; to be recovered and applied as herein-after is directed.

Buyer or seller informing against the other shall be indemnified.

XIII. Provided always, and be it enacted, That if either buyer or seller of any such ticket, or of any pair of gloves or mittens not having the proper ticket affixed thereto as aforesaid, shall inform against the other party concerned in buying or selling such ticket, or such glove or mitten not having the proper stamped ticket affixed thereto as aforesaid, the party so offending shall be admitted to give evidence against the party informed against, and shall be indemnified from the penalties by him or her incurred.

Gloves, in their bills, to make a separate charge for the stamps.

XIV. And be it further enacted, That where any retail dealer in gloves and mittens shall deliver in any bill or charge for any gloves or mittens subject to the duties hereby imposed, such person or persons shall make a distinct and separate charge for

for the stamp or stamps which shall have been affixed to the gloves or mittens so charged in such bill.

XV. And be it further enacted, That if any person or persons shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, directed or allowed to be used, or provided, made, or used in pursuance of this act, for the purpose of denoting the duties by this act granted, or shall counterfeit or resemble the impression of the same, upon any vellum, parchment, or paper, with an intent to defraud his Majesty, his heirs or successors, of any of the said duties; or shall utter, vend, or sell, any vellum, parchment, or paper, with a counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeited; or if any person shall privately and fraudulently use any seal, stamp, or mark, directed or allowed to be used by this act, with intent to defraud his Majesty, his heirs or successors, of any of the said duties; then every such person so offending, and being thereof convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

Penalty on counterfeiting stamps, etc.

XVI. And be it further enacted by the authority aforesaid, That all powers, provisions, articles, clauses, and all other matters and things, prescribed or appointed by any former act or acts of parliament relating to the stamp-duties on vellum, parchment, and paper, shall be of full force and effect with relation to the rates and duties hereby imposed, and shall be applied and put in execution for raising, levying, collecting, and securing the said new rates and duties hereby imposed, according to the true intent and meaning of this act, as fully, to all intents and purposes, as if the same had severally and respectively been hereby enacted with relation to the said new rates and duties hereby imposed.

Powers and provisions of former stamp acts extended to this act.

XVII. And be it further enacted by the authority aforesaid, That all pecuniary penalties hereby imposed, shall be divided and distributed (if sued for within the space of six calendar months from the time of any such penalty being incurred) in manner following; one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to the person or persons who shall inform and sue for the same.

Pecuniary penalties (if sued for within six months) one moiety to his Majesty, and the other to the informer.

XVIII. And be it further enacted by the authority aforesaid, That all pecuniary penalties, imposed on any person or persons for offences committed against this act, may be sued for and recovered in any of his Majesty's courts at *Westminster*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*, and in his Majesty's court of sessions, court of justiciary, or court of exchequer, in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information; wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed.

Penalties where to be sued for.

XIX. Provided always, and be it further enacted by the authority

No informer to have any share of penalties, unless sued for within six months.

thority aforesaid, That such division or distribution of the penalties as aforesaid, shall be, and is hereby confined and restricted to the prosecuting for the same within the time herein-before for that purpose limited; and that in default of such prosecution within the time aforesaid, no informer or informers shall have or be intitled to any part or share of such penalties, but that the whole thereof shall belong to his Majesty, his heirs and successors, and shall be recoverable in manner aforesaid; any thing herein contained to the contrary notwithstanding.

Any neighbouring justice may determine offences subjecting offenders to pecuniary penalties.

XX. Provided always, and it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for any justice of the peace residing near the place where the offence shall be committed, to hear and determine any offence against this act which subjects the offender to any pecuniary penalty; which said justice of the peace is hereby authorised and required, upon any information exhibited, or complaint made in that behalf, to summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact; and upon due proof made thereof, either by the voluntary confession of the party, or by the oath of one or more credible witnesses or witnesses, to give judgement or sentence for the penalty or forfeiture, according as in and by this act is directed, and to award and issue out his warrant under his hand and seal, for the levying any pecuniary penalty or forfeiture so adjudged on the goods of the offender; and to cause sale to be made thereof, in case they shall not be redeemed within six days, rendering to the party the overplus, if any; and where the goods of the offender cannot be found sufficient to answer the penalty, to commit such offender to prison, there to remain for the space of three months, unless such pecuniary penalty shall be sooner paid and satisfied: and if any person or persons shall find himself or themselves aggrieved by the judgement of any such justice, then he or they shall and may, upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded, in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, riding, or place, who are hereby impowered to summon witnesses upon oath, and finally to hear and determine the same; and in case the judgement of such justice shall be affirmed, it shall be lawful for such justices to award the person or persons to pay such costs, occasioned by such appeal, as to them shall seem meet.

Persons aggrieved may appeal to the quarter sessions.

Penalty on witnesses who shall neglect to appear.

XXI. And be it further enacted by the authority aforesaid, That if any person or persons shall be summoned as a witness or witnesses, to give evidence before such justice or justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor, or of the person or persons accused, and shall neglect or refuse to appear, at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall

shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings; to be levied and paid in such manner, and by such means, as is herein-before directed as to other penalties.

XXII. And be it further enacted by the authority aforesaid, That the justice or justices of the peace before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the same effect, *mutatis mutandis*; that is to say:

How justices to proceed for conviction of offenders.

BE it remembered, That on the *day of* Form of conviction.
in the year of our Lord *in the county of*
A. B. of *was convicted before me*
C. D. one of his Majesty's justices of the peace for the said county, residing near the place where the offence was committed, for that the said A. B. on the *day of* *now last past*, did [here state the offence as the case may be], contrary to the statute in that case made and provided; and I do declare and adjudge that he the said A. B. hath forfeited the sum of *of lawful* money of Great Britain, for the offence aforesaid, to be distributed as the law directs.

Given under my hand and seal, the *day of*

XXIII. Provided nevertheless, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs and charges of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigation, and so as such mitigation do not reduce the penalties to less than a moiety of the penalties incurred, over and above the said costs and charges, any thing contained in this act, or any other act of parliament, to the contrary notwithstanding; and no such conviction shall be removed by *certiorari* into any court whatsoever.

Justice may mitigate penalties.

XXIV. And be it further enacted by the authority aforesaid, That the several duties herein-before granted shall be paid, from time to time, into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time and in such manner as the duties now charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the said receipt shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account

Duties to be paid into the exchequer,

and entered separate from all others.

Application thereof.

count whatsoever; and the said money, so paid into the said receipt of exchequer as aforesaid, shall be a fund for the payment of the several annuities, and all other charges and expences as are directed to be paid and payable pursuant to an act of this present session of parliament, intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures.*

Recital of
6 Geo. 3.
c. 19.

The recited act extended to all foreign leather cut or prepared in order to be made into gloves or mitts.

XXV. *And whereas by an act, made in the sixth year of the reign of his present Majesty, intituled, An act for the more effectual encouragement of the trade and manufacture of leather gloves and mitts in this kingdom, several forfeitures and penalties were inflicted to prohibit and prevent the importation and sale of foreign manufactured leather gloves and mitts in this kingdom: and whereas the good purposes intended by the said act may be evaded by the importation of foreign leather, which is not completely made into gloves and mitts, but is cut into the form of gloves and mitts, called Shapes or Trunks, to the great detriment of many of his Majesty's subjects, who are employed in the manufacture of leather gloves and mitts: for remedy whereof, be it therefore further enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-five, the said recited act shall extend, and be construed to extend, to all foreign leather cut into the form of gloves or mitts, called Shapes or Trunks, or which shall be cut or prepared in any other manner or form, in order to be made into gloves or mitts, and are not proper or fit to be used for, and applied to any other purpose whatsoever; and the several penalties and forfeitures inflicted by the said recited act, and every clause and proviso therein contained, unless in any case where any alteration has been made by any subsequent act of parliament which is now in force, shall be applied, practised, and carried into execution, for the purpose by this act intended, as fully and effectually as if the said recited act, and every article, clause, and proviso thereby enacted, had been again repeated and inserted in this present act.*

Defendants may plead the general issue,

and have treble costs.

XXVI. *And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall or may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.*

C A P. LVI.

An act for more effectually preventing deceits and frauds in the manufacturing of cordage for shipping, and to prevent the illicit importation of foreign-made cordage.

WHEREAS an act of parliament was made in the thirty-fifth year of the reign of Queen Elizabeth, (intituled, An act for the avoiding of deceit used in making and selling of twice-laid cordage; and for the better preserving of the navy of this realm;) which act hath been found insufficient for the purposes thereby intended; and various other deceits and frauds are frequently practised in the manufacturing of cordage for shipping: and whereas such deceits and frauds might be prevented for the future, if the said act was repealed, and some further and other provisions and regulations given and made for that purpose: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fifth day of July, one thousand seven hundred and eighty-five, the above-mentioned act shall be, and the same is hereby repealed.

Preamble.
35 Eliz. c. 84

Said act repealed.

II. And be it further enacted, That, from and after the said twenty-fifth day of July, no person or persons whatsoever shall use or cause to be used in the manufacturing of cables, hawsers, or other ropes, for the use of shipping, or shall knowingly vend or sell any cables, hawsers, or other ropes, for the use of shipping, in the manufacturing whereof there shall be used any hemp, usually known or distinguished by the respective names or descriptions of short chucking, half clean, whale line, or other toppings, codilla, damaged hemp bought at publick or other sales, or any hemp whatsoever, from which the staple part thereof shall have been taken away by the manufacturer; and if any person or persons shall, after the said twenty-fifth day of July, use or cause to be used, in the manufacturing of any cable, hawser, or other rope, for the use of shipping, or shall knowingly vend or sell any cable, hawser, or other rope, for the use of shipping, in the manufacturing whereof there shall be used any hemp, usually known or distinguished by the respective names or descriptions of short chucking, half clean, whale line, or other toppings, codilla, damaged hemp bought at publick or other sales, or any hemp whatsoever, from which the staple part thereof shall have been taken away by the manufacturer, every such person, being the manufacturer of such cable, hawser, or other rope, shall forfeit and lose every such cable, hawser, or other rope, and also a sum of money equal to treble the value thereof; and every person who shall knowingly vend or sell such cable, hawser, or rope as aforesaid, not being the manufacturer thereof, shall forfeit a sum of money equal to treble the value thereof.

From July 25, 1785, no person shall make or sell any cordage for shipping, in which any hemp is used called Short Chucking, etc.

on penalty of forfeiture, etc.

Cordage to be distinguished as staple or inferior.

III. *And, for the better distinguishing the quality of cables, hawsers, and other ropes, for the use of shipping,* be it further enacted, That, from and after the said twenty-fifth day of *July*, whenever any cable, hawser, or rope as aforesaid, shall be manufactured in the whole, or in part, of any hemp, the use whereof is not prohibited by this act, and the staple and quality whereof shall be inferior to clean *Petersburgh* hemp, such cable, hawser, or rope as aforesaid, shall be deemed and taken to be inferior cordage, and the manufacturer thereof shall distinguish such cable, hawser, or rope as aforesaid, by running into the same, from end to end of each cable, three tarred-mark yarns, spun with turn contrary to that of rope yarn, and also one like tarred yarn in every other rope, for the use of shipping, and by marking or writing on the tally thereof the word *Staple* or *Inferior*, as the case shall be; and every manufacturer making default herein shall forfeit the sum of ten shillings for every hundred weight of such cable, hawser, or rope.

Manufacturers to affix their names, &c. to new cordage, before sold,

on penalty of 10s. per hundred weight.

Penalty on putting a false name to any cordage.

Penalty on making cables of old stuff, &c.

Penalties and forfeitures how to be recovered and applied.

IV. And be it further enacted, That, from and after the said twenty-fifth day of *July*, whenever any new cable, hawser, or other rope for the use of shipping, shall be vended or sold by the manufacturer or manufacturers thereof, there shall be affixed thereon a tally, containing his or their name or names, signed by him or themselves, or his or their attorney or attorneys, together with the name of the place where the same shall have been manufactured; and if any such manufacturer or manufacturers, or any other person or persons whosoever, shall vend or sell any such cable, hawser, or other rope, without having such tally thereon as aforesaid, he or they shall, for every such offence, forfeit the sum of ten shillings for every hundred weight thereof.

V. And be it further enacted, That if any rope maker or rope makers shall put, or wilfully or knowingly permit or suffer to be put, his or their name or names on the tally of any cable, hawser, or other rope for the use of shipping, not being his or their own proper manufacturing; or if the vender or proprietor of any such cable, hawser, or other rope as aforesaid, or any other person whosoever, shall wilfully and knowingly put or mark, upon the tally to be affixed thereon, the name or names of any person or persons, not being the manufacturer or manufacturers thereof, every person so offending shall forfeit, for every such offence, the sum of twenty pounds.

VI. And be it further enacted, That if any person or persons shall make, or cause to be made, any cables of any old or worn stuff, which shall contain above seven inches in compass, then every person so offending shall forfeit and lose four times the value of every such cable so by him or her made, or caused to be made, as aforesaid.

VII. And be it further enacted, That all pecuniary penalties or forfeitures, by this act imposed, which shall exceed the sum of five pounds, shall and may be recovered by action, bill, plaint, or information, in any of his Majesty's courts of record

at *Westminster*, wherein no effoin, privilege, protection, wager of law, or more than one imparlance, shall be granted or allowed; and that all pecuniary penalties or forfeitures, by this act imposed, which shall not exceed the sum of five pounds, shall be levied and recovered by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal of any justice of the peace for the county, city, or place, wherein such offender or offenders shall reside, which warrant every such justice is hereby empowered to grant, upon the information or testimony of two or more credible witnesses upon oath; and the overplus (if any) of the money arising by such distress and sale, shall be rendered, upon demand, to the owner or owners of such goods and chattels, after deducting thereout the charges and expences of such distress and sale; and in case sufficient goods and chattels of such offender or offenders cannot be found, and such penalty or forfeiture shall not be forthwith paid, such justice shall, and is hereby authorized to cause such offender or offenders to be committed to the common gaol or house of correction, there to remain for any time not exceeding three calendar months, nor less than seven days, or until such penalty or forfeiture, and all costs and charges attending the same, be paid; and all such penalties and forfeitures, and also all cordage which shall be forfeited, in pursuance of this act, shall be paid and delivered to the person or persons who shall sue or prosecute for the same; and it shall be lawful for such person or persons to sell, or otherwise dispose of such cordage, (after being cut into lengths, not exceeding twelve feet), to and for his or their own use and benefit, any thing herein-before contained to the contrary hereof notwithstanding.

VIII. *And whereas, by virtue of the laws now in being, certain duties are charged upon or payable for or in respect of foreign-made cordage imported into this kingdom: and whereas the masters of British ships and vessels, navigated into this kingdom, do frequently use and import great quantities of cordage made and manufactured in foreign parts, without paying the said duties for or in respect thereof, to the great prejudice of the manufacture of cordage for shipping within this kingdom, and to the diminution of the publick revenue: for preventing the like practice for the future, be it enacted by the authority aforesaid, That, from and after the said twenty-fifth day of July, whenever any ship or vessel belonging to any of his Majesty's subjects resident in Great Britain, or any of the British colonies, having on board any foreign-made cordage, shall be navigated into any port within this kingdom, the master of such ship or vessel shall, at the time of making his entry or report of such ship or vessel at the custom-house where the same shall be entered, also make an entry or report, upon oath, of all the foreign-made cordage on board of such ship or vessel, for or in respect of which the said duties shall not have been before paid (standing and running rigging in use excepted); and such master shall, before such ship or vessel shall be cleared by*

From July 25, 1785, vessels belonging to British subjects, having on board foreign-made cordage, to make entry thereof on entering into any British port.

Penalty on
default.

the officers of the customs inwards, where any discharge shall be made of her lading, pay to his Majesty, his heirs and successors, the like duties for or in respect of all such foreign-made cordage as shall be specified or mentioned in the said entry or report, as by the laws now in being are charged upon or payable for or in respect of any foreign-made cordage imported into this kingdom; and if the master of any such ship or vessel shall make default herein, all such foreign-made cordage as aforesaid as shall be on board such ship or vessel shall be forfeited to his Majesty, his heirs and successors, and such master shall, for every such offence, also forfeit the sum of twenty shillings for every hundred weight thereof.

Not to extend
to cordage
brought from
the East In-
dies, &c.

IX. Provided always, That nothing herein-before contained shall be deemed, construed, or taken to charge or make liable any captain or master of any ship or vessel coming from the *East Indies*, with any duty for or upon account of such ship or vessel having any foreign-made cordage on board, such cordage having been, by such captain or master, actually brought from the *East Indies*.

X. Provided also, and be it further enacted, That nothing in this act contained shall extend to the materials at present in the use of any ships or vessels that were built abroad before the passing of this act, and are the property of the subjects of *Great Britain*.

Persons ag-
grieved may
appeal to the
quarter ses-
sions.

XI. And be it further enacted, That if any person shall think himself or herself aggrieved by any matter or thing to be done in pursuance of this act, and for which no particular method of relief is herein-before appointed, such person may, within four calendar months after such matter or thing shall have been so done, appeal to the justices of the peace, at their general quarter sessions, to be holden for the county, city, or place, wherein the cause of appeal shall have arisen, the appellant first giving, or causing to be given, fourteen days notice at the least in writing, of his or her intention to exhibit such appeal, and the matter thereof, to the person or persons appealed against, and, within four days after giving such notice, entering into a recognizance before some justice of the peace for such county, city, or place, with two sufficient sureties, conditioned to try such appeal at, and abide by the order of, and pay such costs as shall be awarded by, the justices at such general or quarter sessions; and the said justices at such sessions, upon due proof of such notice being given, and of the entering into such recognizance as aforesaid, shall hear and finally determine the causes and matters of such appeal in a summary way, and award such costs to the party appealing or appealed against as they shall think proper; and the determination of such justices shall be binding, final, and conclusive, to all intents and purposes whatsoever.

Proceedings
not to be
quashed;

XII. Provided always, and be it further enacted, That no order, verdict, judgement, or other proceeding, made touching or concerning any of the matters aforesaid, or touching the conviction

vicition of any offender againft this act, fhall be quafhed or vacated for want of form only, or be removed or removeable, by *certiorari*, or any other writ or procefs whatfoever, into any of his Majefty's courts of record at *Westminfter*, any law or ftatute to the contrary hereof in any wife notwithstanding: and where any diftreff fhall be made for any fum or fums of money to be levied by virtue of this act, the diftreff itfelf fhall not be deemed unlawful, nor the party or parties making the fame be deemed a trefpaffer or trefpaffers, on account of any defect or want of form in the fummons, conviction, warrant of diftreffs, or other proceeding relating thereto; nor fhall the party or parties diftraining be deemed a trefpaffer or trefpaffers *ab initio*, on account of any irregularity which fhall afterwards be done by the party or parties diftraining; but the perfon or perfons aggrieved by fuch irregularity fhall and may recover full fatisfaction for the fpecial damage in any action upon the cafe; provided that no plaintiff or plaintiffs fhall recover, in any action, for fuch irregularity, if fufficient tender of amends hath been made to him, her, or them, by or on behalf of the defendant or defendants, before fuch action brought.

nor diftreffs deemed unlawful, for want of form,

XIII. And be it further enacted by the authority aforefaid, That if any action or fuit fhall be commenced or profecuted againft any perfon or perfons, for any matter or thing to be done in purfuanee of this act, every fuch action or fuit fhall be commenced within three calendar months next after the caufe of action fhall have arifen, and not afterwards, and fhall be laid and tried in the county, city, or place, where the fame fhall arife, and not elfewhere; and the defendant or defendants in fuch action or fuit may plead the general iffue, and give this act, and the fpecial matter, in evidence at any trial to be had thereupon, and that the matter or thing for which fuch action or fuit fhall be commenced, was done in purfuanee and by the authority of this act: and if the fame fhall appear to have been fo done, or if any fuch action or fuit fhall be brought or commenced after the time before limited for bringing the fame, or fhall be laid in any other county or placethan as aforefaid, then and in every fuch cafe the jury fhall find for the defendant or defendants; and upon fuch verdict, or if the plaintiff or plaintiffs fhall be nonfuit, or fuffer a difcontinuance of his, her, or their action or fuit, after the defendant or defendants fhall have appeared, or if upon demurrer judgement fhall be given againft the plaintiff or plaintiffs, the defendant or defendants fhall have treble cofts, and fhall have fuch remedy for the fame as any defendant or defendants hath or have for cofts of fuit in any other cafes by law.

Limitation of actions.

General iffue;

Treble cofts;

XIV. And be it further enacted, That this act fhall be deemed a publick act; and fhall be judicially taken notice of as fuch, by all judges, juftices, and other perfons whomfoever, without fpecially pleading the fame.

Publick act.

C A P. LVII.

An act to exempt carriages, carrying the mail, from paying tolls at any turnpike gate in Great Britain.

Preamble.

WHEREAS by several acts of parliament, made for repairing particular roads in this kingdom, carriages, horses, and other cattle, employed in the conveyance of the mail or packet, are exempt from the payment of the tolls directed to be levied by such acts: and whereas, by several other acts of parliament, horses only that are employed in carrying the mail or packet are exempt from the payment of the said tolls: and whereas it may be of advantage to the publick that the mail, or packet, should be conveyed to different parts of the kingdom by carriages or publick diligences, which renders it expedient that all carriages, as well as horses and other cattle, conveying the mail or packet from one part of this kingdom to another, should be exempt from the payment of tolls at all and every turnpike, toll-gate, or bar, erected or set up by authority of parliament; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifteenth day of July, one thousand seven hundred and eighty-five, all carriages of what description soever, or horses, which shall be employed in conveying from one part of this kingdom to another the mail or packet, which shall be made up under the authority or direction of his Majesty's postmaster general, or his deputy or deputies, shall be, and the same are hereby exempted, freed, and discharged from the payment of any tolls whatsoever that shall or may be demanded for the passage of carriages or horses, through any turnpike, toll-gate, or bar, at which any toll is collected by any act or acts of parliament now in force; and all turnpike keepers or toll collectors are hereby directed and required to permit such carriages and horses to pass through all and every turnpike, toll-gate, or bar, without demanding any toll or duty for so doing; any thing in any act or acts of parliament contained to the contrary notwithstanding.

From July 15, 1785, all carriages, or horses, carrying the mail, exempted from toll.

C A P. LVIII.

An act for the encouragement of the pilchard fishery, by allowing a farther bounty upon pilchards taken, cured, and exported.

Preamble.

5 Geo. I. c. 48.

WHEREAS by an act of parliament, made in the fifth year of the reign of the late King George the First, intituled, An act for recovering the credit of the British fishery in foreign parts; and better securing the duties upon salt, it is, among other things, enacted, That a certain bounty should be paid for every cask or vessel of pilchards, exported from any port or place in Great Britain into parts beyond the seas, under the restrictions and regulations in the said act mentioned: and whereas by another act, made in the third year of the reign of the late King George the Second, intituled, An act

act for taking off certain duties on salt, and for making good any deficiencies in the funds that may happen thereby; and for charging the reduced annuity, payable to the *East India* company, on the aggregate fund; and for relief of *Matthew Lyon* executor of *Matthew Page* deceased, in respect of the duty for salt lost by the overflowing of the river *Mersey*, in the year one thousand seven hundred and twenty-four; *further provisions are made for the continuance, and respecting the payment of the before mentioned bounty: and whereas it has been found, by experience, that the pilchard fishery hath of late years been decreasing, and great losses have been sustained by the adventurers concerned in the said fishery, insomuch that the number of such adventurers, and of the craft therein employed, is considerably diminished; and there is reason to apprehend, that the benefit arising from the said fishery to the trade and navigation of this kingdom may be wholly lost, unless a further bounty be allowed for a limited time; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, for every cask or vessel of pilchards, containing fifty gallons, and so in proportion for a greater or lesser quantity thereof, which shall be exported from any port or place in Great Britain into parts beyond the seas, between the twenty-fifth day of June, one thousand seven hundred and eighty-five, and the twenty-fifth day of June, one thousand seven hundred and eighty-six, upon which the person or persons exporting the same shall be intitled to the bounty of seven shillings, by virtue of or under the said two several acts herein-before mentioned, an additional bounty of two shillings shall be paid and payable to such person and persons, so intitled to the said bounty of seven shillings, at such times, in such manner, by such person and persons, and out of such monies as the said bounty of seven shillings is, by the said two several acts, or either of them, directed to be paid.*

The bounty of 7s. on the exportation of pilchards, increased to 9s. for all to be exported between June 25, 1785, and June 25, 1786.

II. Provided always, and be it enacted, That the same rules and regulations shall be in force with respect to the pilchards exported within the time herein-before mentioned, in order to prevent the relanding or reimporting thereof, and the owners thereof shall be subject to the same penalties, in case of relanding, or any other fraudulent proceedings, in order to obtain the said bounties granted and payable by this act, as, by the said act passed in the fifth year of the reign of the late King *George* the First, are prescribed and inflicted, with regard to fish cured in and exported from that part of *Great Britain* called *England*.

Regulations in the act of 5 Geo. 1. to prevent the relanding of pilchards, to be in force with respect to this act.

III. And be it enacted by the authority aforesaid, That where any fish, entitled to the bounty granted by this act upon exportation thereof, shall be loaden for exportation, and duly entered and passed by the proper officer, and the said fish shall be lost or spoiled before the ship's proceeding on her

Clauserelative to fish lost or spoiled.

voyage, then the proper officer of the port or ports, where ſuch fiſh ſo loſt or ſpoiled was or ſhall be entered, ſhall, upon due proof thereof, made upon oath before any of the chief officers of ſuch port (who are hereby impowered to adminiſter the ſame), by the proprietor or proprietors of ſuch fiſh, or his or their agents, give a debenture for the bounty granted by this act, as if ſuch fiſh had been actually exported to parts beyond the ſeas; provided that the ſaid fiſh was ſunk in the ſea or port where the ſaid ſhip was loſt or deſtroyed, in the ſight of the proper officer, where any of the ſaid fiſh ſhall come aſhore, and that no uſe be made of the ſaid fiſh by the proprietor or proprietors, or his or their agents; and the ſaid officer is hereby required to cauſe ſuch fiſh to be burnt, or otherwiſe deſtroyed, any thing in this or any other act to the contrary notwithstanding.

Reciting that certain veſſels employed in the pilchard fiſhery are ſubject to forfeiture by

24 Geo. 3.
c. 47.

Collectors of ſalt duties in any port, etc. to grant licences to the owners of ſuch veſſels, on proper ſecurity being given.

Conditions of the bond.

IV. *And whereas many veſſels or boats, the length of which is greater than in the proportion of three feet and an half to one foot in breadth, are commonly employed, and are neceſſary to be employed in the pilchard fiſhery; which veſſels or boats, together with all the goods laden thereon, and their tackle and furniture, are ſubjected to forfeiture, by an act made in the twenty-fourth year of the reign of his preſent Maſteſty, intituled, An act for the more effectual prevention of ſmuggling in this kingdom; unleſs the ſame are licenſed as the ſaid act directs: and whereas it is expedient that an eaſy method of obtaining ſuch licences ſhould be provided for the owners of ſuch veſſels or boats, adventurers in the ſaid fiſhery, be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful for the officer, appointed to collect the duties on ſalt in any port, harbour, or creek in this kingdom, and every ſuch officer is hereby directed and required, upon demand of the owner or owners of ſuch veſſel or boat, and ſecurity given as herein-after mentioned, to grant to ſuch owner or owners of ſuch veſſel or boat a licence, to be ſubſcribed by ſuch officer, ſpecifying the tonnage of ſuch veſſel or boat, and deſcribing the built thereof with reſpect to length and breadth, and who is or are the owner or owners thereof; which licence the ſaid officer is hereby required duly to register, and no fee, gratuity, or reward, ſhall be demanded or received for the granting of ſuch licence, nor for the registering of the ſame; and the owner and owners of ſuch veſſel or boat ſhall give ſufficient ſecurity, by bond, to his Maſteſty, his heirs and ſucceſſors, in double the value of ſuch veſſel or boat, to be approved by, and to the ſatisfaction of ſuch officer, (which bond the ſaid officer is hereby directed and required to provide, without demanding or receiving any fee or reward for the ſame, except the ſtamp-duties payable thereupon), with condition that ſuch veſſel or boat ſhall not be employed in the importation or landing of any tea or foreign ſpirituous liquors, or any prohibited or other goods, contrary to the true intent and meaning of the ſaid act, made in the twenty-fourth year of the reign of his preſent Maſteſty, or of any other act, or in the exportation of any goods which are*

are or may be prohibited to be exported from this kingdom, or in the relanding of any goods whatsoever, contrary to law, which are entered outwards for exportation, for any drawback or bounty, or which are or may be prohibited to be used or worn in *Great Britain*; on failure whereof such licence shall be void and of no force or effect, and such vessel or boat shall be liable to seizure and prosecution, in the same manner as if no such licence had been granted.

V. And be it enacted by the authority aforesaid, That if any person or persons shall, at any time, be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, he or they shall or may plead the general issue, and give this act and the special matters in evidence for his defence; and if upon trial a verdict pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuit, discontinue, or forbear prosecuting the said actions, then such defendant or defendants shall have double costs to him or them awarded against such plaintiff or plaintiffs; for which costs, he shall have the like remedy as in other cases where costs are by law given to defendants. Defendants may plead the general issue, and recover double costs.

VI. And be it further enacted, That this act shall be deemed, taken, and allowed, in all courts of law, as a publick act; and shall be judicially taken notice of as such, by all judges, justices, and others whomsoever, without specially pleading the same. Publick act.

C A P. LIX.

An act for granting to his Majesty a certain sum of money, to be raised by a lottery.

650,000l. to be raised by a lottery, which is to consist of 50,000 tickets, at 13l. each. Books have been opened at the bank for that purpose, and the whole 650,000l. has been subscribed, and a deposit of 1l. 6s. made for each ticket. All persons who have made deposits, pursuant to the resolution of the house of commons, are required to pay the remainder of their subscriptions, viz. 12l. 14s. for each ticket at the times specified, namely, 1l. 19s. on or before July 25, 1785; 1l. 6s. on or before the 26th of August following; 1l. 6s. on or before the 26th of September following; 1l. 19s. on or before the 27th of October following; 1l. 19s. on or before the 28th of November following; 1l. 6s. on or before the 15th of December following; and the remaining sum of 1l. 19s. on or before January 9, 1786. Every contributor paying 13l. to have a lottery ticket, and a share upon each fortunate ticket, having paid his proportion of the said 650,000l. Cashier to give security, to the good liking of the commissioners of the treasury; and to all monies received into the exchequer. Commissioners of the treasury impowered to apply the money, paid in by the cashier, to such services as shall have been voted by the commons in parliament. 500,000l. the amount of the prizes, to be paid out of any supplies granted this session. Managers and directors of the lottery to be appointed by the treasury. Method of the lottery books to be as usual. The ticket:

L O T T E R Y for 1785.

THE bearer of this ticket will, in pursuance of an act made in the twenty-fifth year of his present Majesty's reign, be intitled to such beneficial

beneficial chance as shall belong thereto, in the lottery to be drawn by virtue and under the directions of the faid act.

Managers to examine the books with the tickets, and deliver them to the cashiers of the bank, taking a receipt for the fame. Cashiers to return the books, with the undisposed tickets, with an account of the monies paid in. Undisposed tickets to be delivered into the exchequer. Tickets of the middle columns to be rolled up, and fastened with thread or filk; and cut off indentwise into a box marked with the letter (A). Box to be locked up, and sealed. Books to be prepared with two columns, on each of which 50,000 tickets are to be printed. The number and value of fortunate tickets are, 2 of 20,000l. each; 3 of 10,000l. each; 5 of 5000l. each; 10 of 2,000l. each; 15 of 1,000l. each; 30 of 500l. each; 100 of 100l. each; 250 of 50l. each; 16,275 of 20l. each: and also 1,000l. to the first-drawn ticket of the first day; 1,000l. to ditto the 4th day; 1,000l. to ditto the 7th day; 1,000l. to ditto the 10th day; 1,000l. to ditto the 13th day; 1,000l. to the first-drawn ticket the 16th day; 1,000l. to the last-drawn. Tickets of the last-mentioned books to be rolled up and tied. Publick notice to be given of putting the tickets into the boxes. Lottery to begin drawing on Feb. 6, 1786. Method to be observed in drawing, &c. as usual. To draw until the whole number of 16,690 fortunate tickets, and one more for the last-drawn, be completely drawn. Number of the fortunate tickets, and the sums, to be printed. Disputes to be adjusted by the managers. Forging tickets, &c. felony without benefit of clergy: managers may apprehend and commit the offender, &c. Offenders (not in prison) discovering persons guilty, to receive a pardon, and 50l. reward. Provided that no attainer for any such offence, to work corruption of blood, etc. Managers to be sworn. The oath:

I A. B. as a manager and director of the lottery to be drawn in pursuance of an act of parliament, made in the twenty-fifth year of his Majesty's reign, do swear, That I will faithfully execute the trust reposed in me; and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot therein, for myself, or any other person whatsoever; and that I will do the utmost of my endeavours to prevent any undue or sinister practice to be done by any person whatsoever; and that I will, to the best of my judgement, declare to whom any prize, lot, or ticket of right does belong, according to the true intent and meaning of the faid act.

To be administered by two managers. Cashier may receive the sums subscribed before receiving the lottery book; giving a note for the same; which shall entitle the bearer to a ticket for every 13l. so paid. Contributors not making good their payments within the times limited, forfeit their deposits with respect to the lottery; and the tickets for such sums to be delivered into the exchequer. Commissioners of the treasury may reward the managers, etc. as they shall think fit. The 500,000l. for the payment of the fortunate tickets, to be charged on any supplies granted this session; and shall be paid to the proprietors, without any deduction, on June 1, 1786, etc. Managers to give notice of the times for exchanging tickets for certificates. Certificates to be numbered, etc. and signed by the major part of the managers. Commissioners of the treasury impowered to defray the incidental expences attending the execution of this act. No fee to be taken for receiving or paying contribution-monies, or for any receipts, etc. on penalty of 20l. Persons sued in execution of this act, may plead the general issue, and recover treble costs.

C A P. LX.

An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty-five; and for further appropriating the supplies granted in this session of parliament; and for providing a compensation to the clerks in the offices of the principal secretaries of state, for the advantages such clerks enjoyed before the commencement of an act, made in the twenty-fourth year of the reign of his present Majesty, for establishing certain regulations concerning the portage and conveyance of letters and packets by the post, between Great Britain and Ireland.

2,297,460l. 3s. 10d. 2q. granted out of the sinking fund, for the service of the current year; to be issued by the treasury accordingly. Treasury empowered to raise the sum of 2,297,460l. 3s. 10d. 2q. or any part thereof, by loans or exchequer bills, on the credit of the sinking fund. All persons who shall lend any money upon the credit of this act to have a tally of loan, with orders for repayment of the money, with interest. Orders to be registered in course. No undue preference to be given in payment. No fee to be taken, on forfeiture of treble damages, with full costs. Undue preference in point of registry or payment, subject to an action of debt, or on the case, and to pay the value of the value of the debt, and full costs, and also to forfeit his office. Auditor, etc. neglecting his duty, liable for damages, etc. to be recovered at Westminster. No undue preference in the registering, where orders are brought the same day; nor if subsequent orders are paid before others not brought in course, so as money be reserved for the preceding orders. Power of assignment, and method of transferring of orders, by assignment indorsed and notified in the auditors office (without fee.) If it shall be judged more advisable, the treasury may raise by exchequer bills instead of loans the sum of 2,297,460l. 3s. 10d. 2q. and the bills in such case to be made in the manner prescribed by the malt act of this session. All advantages and penalties in the said act of this session, relating to loans or exchequer bills thereby authorized to be made forth, extended to this act. The said exchequer bills, interest, and charges, are to be paid out of the sinking fund. Bank authorized to lend to his Majesty the sum of 2,297,460l. 3s. 10d. 2q. notwithstanding an act of 5 and 6 Gul. & Mariae. The sum of 702,539l. 16s. 1d. 2q. remaining in the exchequer on April 5, 1785; 66,161l. 3s. 5d. 2q. overplus of grants for 1784; and 238,928l. 16s. 3d. now remaining in the exchequer, shall be applied towards making good the supply. 231,578l. 18s. 2d. remaining in the hands of the paymaster general, shall be applied towards defraying extraordinary expences of land forces, and other services, from Dec. 25, 1783, to Dec. 24, 1784. The monies arising by the malt act, c. 2. Land tax, c. 4. Loans, (1,500,000l.) c. 11. further loans, (1,000,000l.) c. 12. further bills, (1,000,000l.) c. 33. Lottery act, 650,000l. c. 59. 702,539l. 16s. 1d. 2q. remaining in the exchequer, April 5, 1785; 62,161l. 3s. 5d. 2q. overplus of grants in 1784; 238,928l. 16s. 3d. remaining in the exchequer; and 2,297,460l. 3s. 10d. 2q. by this act granted out of the surplusses of the sinking fund; shall be applied (with the residue of the monies arising from the sale of French prizes, etc.) to the uses following: 2,551,307l. 17s. 2d. towards naval services; 42,035l. 13s. 8d. for the charges of the office of ordnance, not provided for, in 1784; 350,820l. 1s. 9d. for the charges of the office of ordnance, for 1785; 2,054,684l. 10s. 10d. and five eighth parts of a penny, towards maintaining the land forces, and other services after mentioned; of which, 655,963l. 4s. 3d. for defraying the charge of 18,053 effective men, including 2,030 invalids, and also officers, agency, etc. 222,021l. 4s. 4d. for forces in plantations, and at Gibraltar, etc. for 1785; 6,355l. 15s. 8d. for defraying the difference between the British and Irish establishment of six battalions of foot, etc. 6,968l. 9s. 9d. advanced

vanced to a regiment of light dragoons, etc. for 1785; 25,784l. 8s. 9d. 2 q. for supernumerary officers, etc. for 1785; 6,236l. 10s. 6d. for general staff officers, for 1785; 74,221l. 14s. 5d. for allowance to the paymaster general of the land forces, to the secretary at war, to the commissary general of the musters, to the judge advocate general, to the comptroller of the accounts of the army, their deputies and clerks, including the contingent expences of their respective offices, for exchequer fees, to be paid by the paymaster general, and on account for poundage to be returned to the infantry of the King's forces for the year 1785. 8,904l. 6s. 6d. for five battalions of Hanoverian infantry; 191,226l. 0s. 6d. for Chelsea pensioners, 1785; 69,291l. 9s. 6d. for subsidies to the landgrave of Hesse Cassel, and to the reigning duke of Brunfwick, for 1785; 50,989l. 2s. 7d. to make good a deficiency to the landgrave of Hesse Cassel; 13,027l. 7s. 6d. for pensions to officers widows; 7,737l. 18s. 1d. 3q. for several battalions of foot for different periods in 1784; 197,703l. 7s. 10d. for reduced officers; 335l. 15s. 4d. for officers and private gentlemen of horse guards reduced, etc. 57,800l. 1s. 11d. for commissioned officers of British American forces; 736l. 11s. 6d. for British American forces, in 1783; 4,308l. 11s. 3d. for ditto, in 1784; 3,535l. 0s. 6d. for officers late in the service of the states general; 451,537l. 10s. 1d. for extraordinaries, etc. from Dec. 25, 1783, to Dec. 25, 1784; 1,500,000l. for paying off the exchequer bills made out by virtue of an act 24 Geo. 3. c. 33. 1,000,000l. for paying off bills made out by virtue of another act of the same year; c. 52. 7,066l. 18s. 3d. issued in pursuance of addresses of the house of commons; 25,000l. towards carrying on the buildings at Somerset House; 2,950l. for East Florida; 2,976l. 17s. 6d. for Nova Scotia, for 1785; 1,900l. for the island of St. John; 2,550l. for Cape Breton; 2,370l. for the Bahama Islands; 1,592l. 1s. 10d. for the chief justice of Somers Islands, etc. 6,356l. 17s. for New Brunswick in America; 13,000l. for maintaining forts on the coast of Africa; 9,000l. for the commissioners of publick accounts; 3,200l. to make good the like sum paid to the secretaries of the said commissioners, etc. 3,000l. for assisting the Levant company; 800l. for completing a road in North Britain, from Ballantrae in Ayrshire, to Stranraer in Galloway, for the year 1785; 5,489l. 17s. for general Murray, late governor of Minorca; to reimburse him 5000l. paid to James Sutherland, pursuant to a verdict in the court of exchequer, in 1783; 8,395l. 2s. 5d. issued to Thomas Cotton esquire, to discharge bills drawn on the treasury by John Parr esquire, the governor of Nova Scotia; 36,810l. 19s. issued for relief of American civil officers, etc. 36,113l. 13s. 6d. 3q. to make good a deficiency in the 4 1-half per cent. duties; 150,000l. upon account, to such persons who have proved their losses in America to the commissioners appointed by 23 Geo. 3. c. 80; 3,000l. to be paid to Mr. Cunninghame for compiling an index to the journals of the house of commons, from 1547 to 1660; 13,578l. 14s. 4d. issued to Duncan Campbell for maintaining convicts, etc. on the river Thames; 12,087l. 7s. 8d. 2q. to make good the deficiency of a fund for paying annuities granted by an act 31 Geo. 2. c. 22; 159,620l. 1s. 9d. 1q. to make good the deficiency of a fund for paying annuities granted by an act 18 Geo. 3. c. 22; 124,730l. 4s. 8d. to make good the deficiency of a fund for paying annuities granted by an act 19 Geo. 3. c. 18; 158,551l. 4s. 11d. to make good the deficiency of a fund for paying annuities granted by an act 20 Geo. 3. c. 16; 114,214l. 4s. 3d. 2q. to make good the deficiency of a fund for paying annuities granted by an act 22 Geo. 3. c. 8; 617,466l. 10s. to make good the deficiency of a fund for paying annuities granted by an act 23 Geo. 3. 35; 24,041l. to make good the deficiency of a fund for paying annuities granted by an act 24 Geo. 3. c. 10. The said aids to be applied only to the uses before mentioned. Sec. 26. Rules to be observed in the application of the half pay: none to receive half pay who was under sixteen years of age when his regiment, etc. was reduced, nor except he did actual service, or if he had any other place of profit, civil or military, under the King; nor any chaplain who has any ecclesiastical benefice in Great Britain or Ireland; nor any person who has resigned his commission, and had none since;

fince; nor to any perfon under a warrant, who would not otherwife be intitled as reduced officers; nor to any officer of the five regiments of dragoons, and eight regiments of foot difbanded, (except fuch as were lately taken off half pay in Great Britain, by an act 24 Geo. 3. c. 44. a fum not exceeding 75,116l. 18s. 6d. and a fum not exceeding 130,300l. were appropriated to be paid to reduced officers. Overplus monies, above fatisfying the faid officers, to be difpofed of to officers who were maimed, etc. in the late wars, or to officers widows and children, as his Majesty fhall direct. Recital of 4 Geo. 3. c. 24. whereby the clerks in the fecretary of ftates offices had the privilege of franking printed votes, etc. as before accuftomed, which act by 24 Geo. 3. c. 8. was repealed, and the faid privilege taken away, as a recompence for the lofs, and a compenfation for the advantages arifing thereby. Post-office to pay 1000l. per ann. to the fecretaries of ftate, to be diftributed by them amongst their clerks quarterly.

C A P. LXI.

An act to authorife the lord steward of the houfehold, the lord chamberlain, the mafter of the horfe, the mafter of the robes, and the lords of the treasury, refpectively, to pay bounties granted by his Majesty to perfons in low and indigent circumftances.

WHEREAS feveral fervants of his late and prefent Majesty Preamble.
*have been difcharged from the employments they held feverally, in the departments of the lord steward, lord chamberlain, mafter of the horfe, and mafter of the robes, and the offices of other perfons in the faid departments have been fuppreffed; to which fervants and other perfons, who have been fo difcharged, or whofe offices have been fo fuppreffed, his Majesty was graciously pleafed to command, that certain allowances fhould be paid quarterly, under the name of a Bounty: and whereas his Majesty has been graciously pleafed to add to the lifts of the perfons above-mentioned, in the refpective departments aforefaid, fundry perfons who have been officers or fervants, and have been disabled or fuperannuated in his fervice, and, in fome cafes, the widows or children of fervants dying in his fervice: and whereas his Majesty has yearly, and every year, been graciously pleafed to grant the fum of one thoufand two hundred pounds, to be diftributed in fmall fums among fuch female objects in diftreff, as the lords commiffioners of his Majesty's treasury fhould, from time to time, direct: and whereas, by an act paffed in the twenty-fecond year of the reign of his prefent Majesty, intituled, An act for enabling 22 Geo. 3. c.
82. fec. 19.
his Majesty to difcharge the debt contracted upon his civil lift revenues; and for preventing the fame from being in arrear for the future, by regulating the mode of payments out of the faid revenues, and by fuppreffing or regulating certain offices therein mentioned, which are now paid out of the revenues of the civil lift; fundry offices have been fuppreffed and abolifhed, but the holders or occupiers of many of the faid offices have, under the authority of the faid act, been allowed compenfations, which, under the direktion of the lords commiffioners of his Majesty's treasury, have been paid quarterly by the proper officers appointed for that purpofe, within the refpective departments of the lord steward of the houfehold, lord chamberlain, mafter of the horfe, and mafter of the robes: and whereas it is, among other things, by the faid recited act enacted, That no penfion whatfoever, on the civil eftablifhment, fhall hereafter*
be

be paid but at the exchequer, and in the same manner as those pensions which were then paid and entered at the exchequer under the head, title, and description of Pensions; and, for the better prevention of all practices, by which such grants as of bounty might be made a colour under which pensions might be substantially granted, contrary to the true intent and meaning of the said act, it was provided, That any sum or sums of money, so given as of royal bounty to any person more than once in three years, should be reputed a pension: and whereas doubts have arisen whether, according to the strict letter of the said recited act, the several bounties and compensations aforesaid may not be considered as pensions which ought to be payable at the exchequer only, and whether the several officers who have hitherto paid the same are legally justified in the payment thereof; but as all such bounties are of small annual amount, and payable to persons in low and indigent circumstances, who are not within the meaning of the said recited act; and as all such compensations were so calculated, as that the parties should receive the whole thereof, clear of all taxes and deductions whatsoever, the transfer of such bounties and compensations for payment at the exchequer would be attended with much inconvenience and considerable expence; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all bounties of the description aforesaid, already given or granted, or which may hereafter be given or granted, and all compensations given and granted to persons who heretofore held offices which have been suppressed or abolished, for and in respect of their respective offices so suppressed or abolished, shall not be transferred for payment at the exchequer, but be paid and continue to be paid within the several departments of the lord steward of the household, lord chamberlain, master of the horse, master of the robes, and treasury respectively, by the proper officer in each of the said departments appointed for that purpose, as they heretofore lately have been; and that it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them, or the lord high treasurer for the time being, from time to time to issue such sum and sums of money as shall be necessary for the payment of such bounties and compensations, within the respective departments aforesaid; and that all and every sum and sums of money already paid, or hereafter to be paid, by the respective officers in the several departments aforesaid, for or on account of such bounties and compensations, shall be allowed to them respectively, in their several accounts, by the auditors and all other persons having the auditing and passing thereof; any thing in the said recited act, or any other act, to the contrary thereof in any wise notwithstanding.

All bounties already given by his Majesty, as before mentioned, or which shall hereafter be given, may continue to be paid by the lord steward, etc.

C A P. LXII.

An act to prohibit, for a limited time, the exportation of hay.

WHEREAS the exportation of hay may, at this time, be greatly prejudicial to his Majesty's subjects, be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, no person or persons whatsoever shall, directly or indirectly, export, transport, carry or convey, or cause or procure to be exported, transported, carried or conveyed, out of or from the kingdom of *Great Britain*, or load, ship, or lay on board, or cause or procure to be laden, shipped, or laid on board, in any ship or other vessel or boat, in order to be exported, transported, carried or conveyed out of *Great Britain*, any hay of any kind or quality whatsoever, under the penalties and forfeitures herein-after mentioned; (that is to say,) That all such hay so exported, or laden, shipped, or laid on board, in order to be exported or carried out of *Great Britain*, contrary to the true intent and meaning of this act, shall be forfeited; and that every offender or offenders therein shall severally forfeit and pay the sum of one hundred pounds of lawful money of *Great Britain*, for every ton of such hay, and so in proportion for any greater or less quantity which shall be so exported, transported, carried or conveyed out of *Great Britain*, or laden, shipped, or laid on board as aforesaid, in order to be so exported or carried out of *Great Britain*; and also the ship or other vessel or boat in or upon which any such commodity shall be so exported, shipped, or laden, in order to be so exported, and all her guns, tackle, apparel, and furniture, shall be forfeited; and one moiety of all the said penalties and forfeitures shall be to the King's majesty, his heirs and successors, and the other moiety to him or them that shall sue for the same; and for offences which shall be committed in *England*, *Wales*, or the town of *Berwick upon Tweed*, such penalty or forfeiture shall be sued for, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, courts of the counties palatine, or great sessions in *Wales*; in which suit, no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; and for offences committed in that part of *Great Britain* called *Scotland*, by action or summary bill or information in the court of session or exchequer in *Scotland*.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, being an officer or officers of the customs or excise, or being lawfully authorized in that behalf by the lord high treasurer, or the commissioners of the treasury for the time being, or any three or more of them, to take and seize all such hay, not allowed

Preamble.

From the passing of this act, no hay to be exported for a limited time,

on forfeiture thereof, and 100l. per ton;

and the vessel, etc. on board which it shall be exported.

Officers of customs, etc. may seize hay intended to be exported.

lowed to be exported by this act, or by his Majesty's royal proclamation, or order in council, in purfuanee of this act, as he or they fhall happen to find, know, or difcover to be laid on board any fhip, or other vefel or boat, at fea, or in any port, or in any navigable river or water, to the intent or purpofe to be exported, transported, or conveyed out of this kingdom, contrary to the true intent and meaning of this act, not actually laden on board any fhip, or other vefel or boat, and entered for exportation, on the twenty-third day of July, one thoufand feven hundred and eighty-five, and alfo the fhip, vefel, or boat, in which the fame fhall be found; and to bring the fame to the King's warehouse or warehouses belonging to the custom-houfe next to the place where fuch feizure fhall be made, or to fome other fafe place, as near thereto as can conveniently be done, in order to be proceeded againft according to law.

Not to extend to hay neceffary for cattle on board any fhip, etc.

III. Provided always, That this act, or any thing herein contained, fhall not extend to prohibit the exportation or carrying out of fuch or fo much of the faid commodity as fhall be neceffary to be carried in any fhip or fhips, or other vefel or vefels, in their refpective voyages, for the fuffenance and fupport of any horfes, cattle, or fheep, in the fame fhips or vefels.

Hay may be exported to Ireland in certain cafes;

IV. Provided alfo, That this act, or any thing herein contained, fhall not extend, or be conftrued to extend, to prohibit the exporting or carrying fuch commodity from *Great Britain* into the kingdom of *Ireland*, at any time when the exportation of hay of every kind or quality, from the kingdom of *Ireland*, is or fhall be prohibited by law; fo as the exporter or exporters thereof do, before fhipping or laying the fame on board, in order to be fo exported or carried from *Great Britain* into the kingdom of *Ireland*, with one or more perfon or perfons, give fufficient fecurity, by bond, in treble the value of fuch hay, to the customer, collector, or other chief officer of the customs at the port or place where fuch commodity fhall be fhipped or laden, (which fecurity the faid customer, collector, or other chief officer, is hereby impowered to take in the name, and to the ufe of his Majesty, his heirs and fucceffors,) that the fame hay, and every part thereof, fhall be landed and delivered in the kingdom of *Ireland*, and in no other part or parts beyond the feas, and (the dangers and accidents of the feas excepted,) to return to the officer of the customs, to whom fuch bond fhall be given, a certificate in difcharge thereof, within fix months from the date of fuch bond, figned by the proper officer or officers of his Majesty's customs, at the port or place in the kingdom of *Ireland* where the faid commodity fhall be landed or delivered, importing that the fame was there landed, and teftifying the landing thereof, upon the penalty of the forfeiture of the faid bond.

the exporter giving fecurity for the due landing thereof.

Hay may be carried coaftwife.

V. Provided alfo, That this act, or any thing herein contained, fhall not extend to prohibit any perfon or perfons to fhip or put on board any fuch hay to be carried coaftwife; that

is to fay, from any port, member, or creek of *Great Britain*, to any other port, member, or creek, of the fame refpectively, having fuch or the like coaft cocquet or fuffurance for that purpose, fuch or the like fufficient fecurity being firft given for the landing and difcharging the fame in fome other port, member, or creek of *Great Britain*, and returning a certificate in fix months, as is required by law in cafes where goods, which are liable to pay duties on exportation, are carried coaftwife from one port of *Great Britain* to another, and not otherwife.

VI. Provided always, and be it enacted by the authority aforefaid, That in cafe his Majefty, at any time or times during the continuance of this act, fhall (in his royal difcretion) judge it to be moft for the benefit and advantage of this kingdom, to permit the exportation of any fuch hay, that then it fhall and may be lawful to and for his Majefty, by his royal proclamation or proclamations, to be iffued by and with the advice of his privy council, or by his Majefty's order in council, to be publifhed in the *London Gazette*, from time to time, to permit and fuffer all and every perfon or perfons, natives or foreigners, (but not any particular perfon or perfons) at any time or times to export or carry out of the kingdom of *Great Britain*, any fuch hay to all or any other place or places, and upon or without giving fecurity for the landing thereof in fuch place or places, and returning certificates of fuch landing, as to his Majefty fhall feem meet, and in fuch proclamation or proclamations, or fuch order in council, to be publifhed in the *London Gazette*, fhall be expreffed and declared; any thing herein contained to the contrary notwithstanding.

His Majefty may permit hay to be exported, by proclamation, etc.

VII. And be it further enacted, That all perfons who have purchafed hay for the purpose of exporting the fame (provided the quantity fhall amount to one hundred tons or upwards) fhall be at liberty to declare the bargain void, upon giving notice of fuch his, her, or their intention to the feller or fellers of fuch hay, on or before the twentieth day of *Auguft* next, provided fuch bargain fhall have been made on or after the twenty-ninth day of *June* preceding the faid twentieth day of *Auguft*.

Clause relative to hay purchafed for exportation.

VIII. And be it further enacted, That this act fhall be and continue in force, until one month after the commencement of the next feffion of parliament.

Continuance of this act.

C A P. LXIII.

An act for reducing the allowances for wafte on falt and rock falt; for regulating the exportation of falt to Jerfey, Guernfey, Alderney, and Sark; for repealing the laws allowing the ufe of foul falt for manure only; for allowing a drawback on the exportation of Glauber or Epfom falts; for reftaining fifh curers from being dealers in falt; for regulating the exportation of herrings from the Ile of Man; for better fecuring the duties on falt; and for indemnifying perfons who have been guilty of offences againft the laws relating to the duties on falt.

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WHEREAS,

Preamble.

5 Ann. c. 29.

WHEREAS, by an act of parliament, made in the fifth year of the reign of her late majesty Queen Anne, intituled, An act for the ease of her Majesty's subjects in relation to the duties upon salt, and for making the like allowances upon the exportation of white herrings, flesh, oatmeal, and grain called beer alias bigg, as are to be made upon exportation of the like from Scotland, it is amongst other things enacted, That any merchant or person who shall ship any English salt or rock salt, to be carried coastwise, from one port of England or Wales, or port of Berwick upon Tweed, to any port of England or Wales, or Berwick upon Tweed, shall have an allowance after the rate of three bushels for every forty bushels of English white salt, and after the rate of one bushel and an half for every forty bushels of English rock salt; and an allowance of four bushels for every forty bushels of white salt, and of two bushels for every forty bushels of rock salt, exported in manner therein prescribed from England to Ireland, in consideration of the ordinary waste in the carriage thereof; and by another act of parliament, made in the sixth year of the reign of her said late majesty Queen Anne, intituled, An act to explain the act of the last session of parliament, for the ease of her Majesty's subjects in relation to allowances out of the duties upon salt carried coastwise; and also an act of the first year of her Majesty's reign, in relation to certain salt-works near the sea-side and bay of Holyhead in the county of Anglesea, the first mentioned allowance for waste is extended to all salt carried coastwise twenty miles or more by sea, or from the port of Great Yarmouth, in the county of Norfolk, to Lowestoff or Southwold Bay, in the county of Suffolk, although the place to which the said salt should be carried be a member or creek of the port from whence the same was first shipped off: and whereas by an act, made in the twentieth year of his present Majesty's reign, intituled, An act for granting to his Majesty additional duties upon salt; and for regulating the exportation of salt to the Isle of Man; the exporter or proprietor of white salt and rock salt to the Isle of Man is allowed four bushels for every forty bushels of white salt, and two bushels for every forty bushels of rock salt, in consideration of the ordinary waste in the carriage thereof, upon the terms mentioned in the said act in that behalf: and whereas it is found, by experience, that the said allowances far exceed the real waste, and that many opportunities are thereby given of evading the payment of the several duties on salt, and the payment thereof is thereby daily evaded, to the great diminution of the said duties; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same. That, from and after the first day of August, one thousand seven hundred and eighty-five, each and every of the said several allowances for waste on white salt and rock salt carried coastwise, or shipped or exported to Ireland, or the Isle of Man, be reduced and lessened; and that, instead of the said several allowances before mentioned, there be allowed from thenceforth for waste on white salt and rock salt, carried coastwise

6 Ann. c. 12.

30 Geo. 3. c.
34.

From Aug. 1,
1785, the al-
lowances for
waste on salt
reduced.

coastwise not less than twenty miles by sea, after the rate of one bushel for every forty bushels of white salt, and after the rate of half a bushel for every forty bushels of rock salt, and no more, and in that proportion for a greater or less quantity; and for waste on white salt and rock salt, exported to *Ireland* and the *Isle of Man*, after the rate of two bushels for every forty bushels of white salt, and after the rate of one bushel for every forty bushels of rock salt, and no more, and in that proportion for a greater or less quantity, the persons who claim the said allowances hereby given producing such certificate as is by the said former acts required, any thing in the said acts, or any other, to the contrary in anywise notwithstanding; and that no allowance whatsoever be from thenceforth made for waste on any salt carried coastwise by sea less than twenty miles.

II. *And whereas by an act, made in the second and third years of the reign of her late majesty Queen Anne, intituled, An act for the better securing and regulating the duties upon salt, it is (amongst other things) enacted and declared, That any person exporting any salt to Scotland, the Isle of Man, or the islands of Jersey and Guernsey, according to the directions of the several acts relating to the said duties upon salt, is and shall be intitled to a drawback of the duties of the salt so exported, in such manner as in case of the exportation of salt to any other foreign parts: and whereas great sums of money are paid out of his Majesty's duties upon salt, on account of debentures for English white salt, shipped under pretence of being exported to the islands of Jersey and Guernsey, and it is found, by experience, that great part of such salt hath been fraudulently put on shore and relanded, without being carried to the said islands, by which evil practices his Majesty's said duties are very much lessened: and whereas the like frauds had been frequently committed on the exportation of salt and rock salt to the Isle of Man; for remedy whereof it was enacted, by an act passed in the twentieth year of his present Majesty's reign, intituled, An act for granting to his Majesty additional duties upon salt, and for regulating the exportation of salt to the Isle of Man, That no debentures should be made or granted, or drawback allowed, for any salt or rock salt exported to the Isle of Man, until a certificate should be obtained of the particular quantity landed, according to the directions of the said act: and whereas it is reasonable and fitting that the provisions of the said act in that behalf should extend to white salt and rock salt, shipped to be exported to the said islands of Jersey and Guernsey, and to the islands of Alderney and Sark; be it therefore enacted by the authority aforesaid, That the several directions, regulations, and provisions of the said last mentioned act, so far as the same relates to the exportation of any white salt or rock salt to the Isle of Man, (except as to the allowance for waste as herein-after mentioned) shall extend, and be deemed and construed to extend, to the exportation of white salt and rock salt to the islands of Jersey, Guernsey, Alderney, and Sark, in as full and ample manner as if they were repeated and*

Recital of a
& 3 Anne,
c. 14.

20 Geo. 3. c.
34.

Provisions of
the last men-
tioned act re-
lative to ex-
porting salt to
the Isle of
Man, extend-
ed to Jersey,
etc.

hereby feverally re-enacted, any law or ftatute to the contrary notwithstanding.

Allowance of
wafte on falt
exported to
faid iflands
reduced.

III. Provided always neverthelefs, and it is hereby further enacted and declared, That, inftead of the allowance for wafte of four bufhels for every forty bufhels of white falt, and of two bufhels for every forty bufhels of rock falt, fhipped for exportation to the *Ile of Man*, in purfuance of the faid laft mentioned act, or to the iflands of *Ferfeys*, *Guernfeys*, *Alderney*, and *Sark*, every exporter of white falt and rock falt to the iflands of *Ferfeys*, *Guernfeys*, *Alderney*, and *Sark*, or the *Ile of Man*, fhall be allowed only one bufhel for every forty bufhels of white falt, and half a bufhel for every forty bufhels of rock falt, in confideration of the ordinary wafte in the carriage thereof.

Recital of 5
Ann. c. 8.

IV. And whereas by the eighth article of the act of union, paffed in the fifth year of the reign of her late majefty Queen Anne, no falt whatfoever is allowed to be brought from Scotland to England by land, in any manner, under the penalty of forfeiting the falt, and the cattle and carriages made ufe of in bringing the fame, and paying twenty fhillings for every bufhel of fuch falt, and proportionably for a greater or leffer quantity, for which the carrier, as well as the owner, is liable jointly and feverally, and the perfons bringing or carrying the fame, to be imprifoned by any one juftice of the peace by the fpace of fix months, without bail, and until the penalty be paid: and whereas falt brought from Scotland by land is frequently found in the cuftody or poffeffion of perfons who live near the borders of that part of the united kingdom called Scotland; and if difcovered by any of the officers for the falt duties, the perfon or perfons in whole cuftody or poffeffion the fame is found, pretend that the fame doth not belong to him, her, or them, fo that the above mentioned penalties cannot be inflicted on fuch offender or offenders, as in that act are defcribed: for remedy whereof, be it enacted by the authority aforefaid, That every perfon, refiding in any county in England near the borders of Scotland, in whole cuftody or poffeffion any falt brought from Scotland fhall be fo found, fhall be liable to the fame penalties as if he or fhe was the carrier or owner thereof; unlefs he or fhe fhall make it appear upon the trial, or hearing of any information for fuch offence, that it came by fea, and that the duties due and payable on the importation thereof had been paid or fecured.

Penalty on
perfons in
whole poffeffion
falt
brought from
Scotland by
land fhall be
found.

V. And whereas by an act paffed in the eighth year of his prefent Majefty's reign, foul falt is permitted to be delivered from any falt works, upon paying a duty of four-pence a bufhel, upon the terms therein-mentioned, for manuring of land only: and whereas by an act paffed in the twenty-second year of his prefent Majefty's reign, intituled, An act for granting to his Majefty additional duties upon falt; and certain duties upon Glauber or Epfom falts, and alfo on mineral alkali or flux for glafs, made from falt; and to prevent frauds in the duties on foul falt, to be ufed in manuring of lands; reciting, That, notwithstanding the reftriction in the faid act, abufes had been committed contrary to the intent and meaning thereof;

23 Geo. 3. c.
39.

thereof; and for preventing them in future, it was enacted, That no grey or scrow salt, salt-scale, sand-scale, or cruffings, or other foul salt whatsoever, produced or to be produced at any salt works within the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, from the manufaturing of such white salt as aforesaid, should, from and after the twenty-second day of June, one thousand seven hundred and eighty-two, be removed or carried away from the works where the same should be produced, without notice first given to the officer attending such works, or who should reside nearest thereto; and without having been first well and sufficiently mixed with common chimney coal soot, in the proportion of two bushels of soot to one hundred bushels of such salt, under the penalty therein mentioned; which provision in the said act has not had the good effect to prevent such abuses, but great frauds are daily committed by divers manufaturers unlawfully using such foul salt, without the means of detection to the great diminution of the salt duties, who must otherwise use white salt; be it therefore enacted by the authority aforesaid, That those parts of the said recited acts, which allow the using of foul salt for the manuring of land only, and direct that it shall not be removed from the works without having been first mixed with chimney coal soot, shall be, and the same are hereby declared to be repealed.

Part of the
acts of 8 and
22 Geo. 3.
repealed.

VI. And, in order to obviate any doubts that may hereafter arise respecting the duties payable for such foul salt, be it enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-five, all foul salt shall be made or produced at any salt works, shall be subject and liable to the same duties as any English white salt is now, or hereafter may be subject and liable to, and to such and the like directions, regulations, and provisions, in every respect, as if they were severally enumerated and re-enacted in the body of this act.

From Aug. 1,
1785, all foul
salt to be li-
able to the
same duties
as white salt.

VII. And whereas by an act, made in the twenty-second year of the reign of his present Majesty, intituled, An act for granting to his Majesty additional duties upon salt; and certain duties upon Glauber or Epsom salts, and also on mineral alkali or flux for glass, made from salt, and to prevent frauds in the duties on foul salt, to be used in manuring of lands; a duty of twenty shillings for every hundred weight is laid on all salts known or called by the name of Glauber or Epsom Salts, made or produced at any salt works in Great Britain, and after that rate for a greater or less quantity: and whereas it is found, by experience, that, since the said duty has been imposed, the exportation of the said salts has been much lessened, to the hurt of the maker or manufaturer thereof, it is therefore but reasonable that a drawback or allowance should be made of so much of the said duty on exportation, as will enable the maker or manufaturer to render the sale thereof, at foreign markets, upon equal terms with that of any other country; be it therefore enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-five, all and every person or persons who shall export, or cause to be exported, beyond the seas, any salts known or called by the name

Recital of
22 Geo. 3. c.
39.

Exporters of
Glauber or
Epsom salts
to be allowed
a drawback.

of Glauber or Epsom falts, made or produced at any salt works in Great Britain, the duty whereof shall have been paid, shall, upon such exportation, be intitled to a drawback or allowance of ten shillings out of the said duty for every hundred weight of the said falts, upon such and the like terms as in the cases of exportation of foreign and English salt.

From Aug. 1,
1785, no fish
curer shall
sell salt, ex-
cept to other
curers.

VIII. *And whereas great frauds have been committed in the salt revenue by fish curers becoming dealers in salt for home consumption; be it therefore enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-five, no fish curer or fish curers shall, directly or indirectly, sell, retail, or vend any salt other than to fish curers, in pursuance of an act made in the fifth year of the reign of his late majesty King George the First, intituled, An act for recovering the credit of the British fishery in foreign parts; and for better securing the duties on salt, under the penalty of forfeiting twenty shillings a bushel for every bushel that he, she, or they shall so dispose of, and after that rate for any greater or less quantity; and shall never afterwards be permitted to have salt duty-free, or be concerned with any other or others as a curer of fish.*

5 Geo. 1. c.
18.

Penalty.

Recital of 12
Geo. 3. c. 58.

IX. *And whereas by an act made in the twelfth year of his present Majesty's reign, intituled, An act for the further encouragement of the herring fishery on the coast of the Isle of Man; and for obviating a doubt which has arisen with respect to the allowing the bounties upon the British white herring fishery, in the year one thousand seven hundred and seventy-one; any sort of herrings, caught upon the coasts of the Isle of Man and cured there, are allowed to be imported and brought into any part of Great Britain, upon payment of the duties therein mentioned, the master or other person having the charge of the ship so importing such herrings, bringing with him a certificate or certificates from the governor, lieutenant governor, commander in chief, or chief magistrate for the time being, that oath had been made before him or them, in the presence of the officer of the customs for the port or place where such herrings were put on board, that the same were bona fide taken on the coasts of the Isle of Man and cured there; which certificate or certificates also to be attested by the said officer of the customs, and to express the number of barrels, and quantity of such herrings respectively, and the marks of the package expressed in the bill or bills of lading, with the name or names, place or places of abode of such person or persons as shall have made the oath thereby directed, and where and to whom such herrings shall be consigned in Great Britain; and the master, or person taking charge of the ship or vessel importing the same, also making oath before the collector or principal officer of the salt-duties, at the port or place of importation in Great Britain, that the said herrings were the same that were taken on board by virtue of the said certificate or certificates so to be produced; on failure whereof, or of any of the requisites therein mentioned, the herrings to be liable to the same duties, penalties, and forfeitures, as such herrings would have been liable to by law, if the said act had not been made: and whereas, before the passing of the said act, all kinds of fish were prohibited*

hibited from being brought in or imported from the ſaid iſland; and it is ſince found by experience that herrings, caught and cured upon the ſaid coaſts, are clandestinely ſhipped, and fraudulently brought into Great Britain, to the loſs of the revenue, and injury to the fiſh curers there, contrary to the intention of the ſaid act, which may in a great meaſure be prevented, if further proviſions and ſuitable penalties were to be inflicted on perſons offending againſt the ſaid act; be it therefore enacted by the authority aforeſaid, That, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, no herrings, caught upon the coaſts of the *Iſle of Man*, and cured there, ſhall be ſhipped or exported from thence, for any place or places whatſoever, till ſuch certificate or certificates is or ſhall be obtained as required by the ſaid act, under the penalty of forty ſhillings a barrel, and ſo in proportion for a greater or leſs quantity, to be recovered of the owner, proprietor, maſter of the veſſel, or the perſon or perſons who ſhall ſhip or export the ſame, and alſo giving bond to his Maſteſty, his heirs or ſucceſſors, in double the amount of the duty, to the ſatisfaction of the chief officer of the cuſtoms for the time being, (who is hereby required and impowered to take the ſame), at the port or place in the ſaid iſland where ſuch herrings ſhall be ſhipped or put on board, for the truly landing of them at the port or place for which they ſhall be ſo ſhipped or put on board, and if for *Great Britain*, upon paying the duty and making the oath upon the importation thereof; which bond ſhall be diſcharged, and given up without fee or reward, upon certificate returned or produced to the chief officer of the cuſtoms, for the time being, of the port or place in the ſaid iſland from whence the ſaid herrings were exported, within twelve months from the date of the ſaid bond, or otherwiſe it ſhall and may be lawful for ſuch chief officer of the cuſtoms to cauſe ſuch bond to be put in ſuit, unleſs he ſhall find ſufficient cauſe to forbear the ſame; which certificate the chief officer of the ſalt duties, or otherwiſe of the cuſtoms, (in caſe there ſhall happen to be no ſalt officer), at the port or place of importation in *Great Britain*, or any other of his Maſteſty's dominions, is hereby directed and required to grant, without fee or reward; and if exported to any other place or places out of his Maſteſty's dominions, then, upon certificate under the common ſeal of the chief magiſtrate there, or under the hands and ſeals of two known *Britiſh* merchants, then being at ſuch place or places, that ſuch herrings were there landed; or upon proof, by credible perſons, that ſuch herrings, or part thereof, were taken by enemies, perished in the ſeas, or were otherwiſe loſt or deſtroyed by any inevitable accident; the examination and proof thereof being left to the judgement of the governor, lieutenant governor, commander in chief, or chief magiſtrates of the ſaid *Iſle of Man*, for the time being.

X. And whereas *Britiſh ſalt*, delivered duty-free for the curing of fiſh for foreign markets, is liable to frauds for want of ſecurity being given as for foreign ſalt, when delivered over into the curers ſole

From Aug. 1, 1785, no herrings caught on the coaſts of the *Iſle of Man*, &c. ſhall be exported from thence, till a proper certificate is obtained, etc.

From Aug. 1785, on delivery of salt duty-free to curers for foreign markets, security shall be given to the satisfaction of the officer.

Such salt to be weighed in presence of the officer.

Salt delivered to fish curers, not to be removed without a warrant from the officer.

custody at the beginning of the fishing season; for remedy whereof, be it enacted by the authority aforesaid, That, from and after the said first day of August, one thousand seven hundred and eighty-five, on delivering over such salt from the joint custody of the officer and proprietor, into the sole custody of the proprietor or his agent, for the curing of fish for exportation, the said proprietor or his agent shall give security (to the satisfaction of the chief officer of the salt duties in the port or place where such salt has been lodged) in double the amount of the duties, that he or they shall and will account for the same in the terms of, and according to the true intent and meaning of the several acts of parliament made in that behalf, in like manner as the curers of fish now do for the foreign salt delivered into their sole custody, for curing fish for exportation, by virtue of an act made in the eighth year of the reign of his late majesty King George the Second; and that all such salt shall, upon being delivered into the sole custody of the proprietor, be weighed over by the said proprietor or his agents in the presence of the officer for the duties on salt, if he shall require the same, to the end that the quantity of salt delivered into the proprietor's sole custody, and the deficiency (if any) from the quantity before lodged under the joint lock and key of such officer and proprietor, as aforesaid, may be truly ascertained, and the real quantity wanting at the re-delivery truly known, making a reasonable allowance for the waste for the time the said salt has been so locked up; and that every fish curer, who shall neglect or refuse to weigh over, to the officer for the duties on salt, what salt shall remain unused, (in order to adjust the quantity used), and also to lock up the remainder in the joint custody of the officer and proprietor, when thereunto duly required by the said officer, shall forfeit the sum of five hundred pounds, and shall never afterwards be permitted to have salt duty-free for the curing of fish, or be concerned with any other or others as a curer of fish; and that no salt whatsoever, after the same has been delivered into the sole custody of the curer of fish for foreign markets, shall be delivered over to any other person for the curing of fish, nor shall be removed from the place where lodged to any other place for curing fish, without giving notice to the officer, and having a warrant from him for removing the same, upon pain of forfeiting the sum of fifty pounds, by the proprietor or owner of the salt, or the person removing the same; and that no person whatsoever shall be deemed or taken to be a curer of fish, so as to intitle him to have any salt delivered into his sole custody duty-free, for the curing fish for foreign markets, who has not a warehouse, storehouse, or other proper place, wherein the salt may be securely lodged under the lock and key of the officer for the duties on salt, as well as the said proprietor, as the law directs.

XI. And, for the better and more impartial trial of any indictment or information, which shall at any time hereafter be found, commenced or prosecuted for any assault made or committed upon any of the

the officers of the salt duties, or any other person or persons acting in their aid; be it further enacted by the authority aforesaid, That every such offence shall and may be enquired of, examined, tried, and determined, in any county within that part of the kingdom of Great Britain called England, in such manner and form as if the said offence had been therein committed.

Indictments for assaults on officers may be tried in any county.

XII. *And whereas it hath been found, by experience, that the bailiffs and other officers, having the execution of process in the several counties, cities, and liberties of this kingdom, often hold correspondence with the persons guilty of offences contrary to the laws or statutes relating to the duties on salt, or other duties under the management of the commissioners for the duties on salt, and give them notice when any writ or process issues against them, whereby they escape from justice; for remedy thereof, be it further enacted by the authority aforesaid, That, from and after the said first day of August,* one thousand seven hundred and eighty-five, where any writ of *capias*, or other process, shall issue out of any court, directed to any sheriff, mayor, bailiff, or other person having the execution of process in any county, city, or liberty, against any person who shall be guilty of, or prosecuted for any offence whatsoever, contrary to any of the laws or statutes now in being, or hereafter to be made, relating to his Majesty's said duties on salt, or any other duties under the management of the commissioners for the said duties on salt, every such sheriff, mayor, or bailiff, and other persons having execution of process as aforesaid, and their and every of their under sheriffs, deputies, and other persons acting for them in the said office and offices respectively, shall and are hereby enjoined and required, upon the request or application of the known solicitor for the duties on salt, (such request to be in writing indorsed upon the back of the said process, and signed by such solicitor), to grant a special warrant or warrants to such person or persons as shall be named to them by such solicitor, for the apprehending such offender and offenders; or, in default thereof, every such sheriff, mayor, bailiff, under sheriff, and other person acting in the said office or offices respectively, shall be subject and liable to such process of contempt, fines, amerciaments, penalties, and forfeitures, as they, or any of them, are now by any law, custom, or usage, liable to in case of refusing or neglecting to execute the like process, where the defendant might have been taken thereupon, in the common and usual method of proceeding.

From Aug. 1, 1785, when writs of *capias*, etc. are issued against offenders relative to the salt duties, a special warrant shall be granted for apprehending them.

Penalty on sheriff, etc. making default.

XIII. *And whereas it has been doubted where the commissioners for the duties on salt, and justices of the peace, have respectively issued out any summons for the appearance of persons offending against, or for forfeitures incurred by the laws relative to the duties on salt, or any other law under the management of the commissioners for the said duties on salt, which hath been left at the house or usual place of residence, or with the wife, child, or menial servant of such persons, whether the same should be deemed and adjudged a good and sufficient summons, and as legal and effectual a notice as if the same had been*

been

Summons for the appearance of offenders, left at their place of abode, etc. to be deemed legal notice.

been actually delivered to the proper hands of such person or persons to whom the same was or were directed: now, in order to put an end to such doubt, be it hereby enacted by the authority aforesaid, That every such summons, so left as aforesaid, shall be deemed to be a good and sufficient summons, and as legal and effectual a notice, as if the same had been actually delivered to the proper hands of such persons to whom the same was by name directed.

Summons relative to the salt duties, left at the house, shop, etc. as effectual notice as if delivered to the party, etc.

XIV. And, for the future, it is hereby enacted, That in all cases relating to the duties on salt, or to any of the other duties which now are, or hereafter may be under the management of the commissioners of the said duties on salt, the leaving such summons at the house, workhouse, warehouse, boiling house, hot house, salt crib, shop, cellar, vault, or usual place of residence of such person or persons, directed to such person or persons, by his, her, or their right or assumed name or names, shall be deemed to be, and is hereby declared to be as legal and effectual a notice and summons, to all intents and purposes, as if the same was personally given or delivered to or into the hands of the party or parties for whom the same shall be designed, and as if the same was directed to the party or parties to and for whom the same shall be designed, by his, her, or their proper name or names.

Clause relative to actions for recovery of goods seized by virtue of any act relating to salt duties.

XV. And be it further enacted by the authority aforesaid, That in case any information or suit shall be commenced and brought to trial, on account of the seizure of any salt, fish, or other goods whatsoever, or the package thereof, seized as forfeited by any act or acts of parliament now in force, or hereafter to be made, relating to his Majesty's duties on salt, or any other duties under the management of the commissioners for the said duties on salt, or of any ship, vessel, or boat, or of any horses or other cattle, or of any carriages used or employed in removing or carrying the same, wherein a verdict shall be found for the owner or claimer thereof, and it shall appear to the judge or court, before whom the said action or information shall be tried, that there was a probable cause of seizure, the judge or court, before whom the same shall be tried, shall certify on the record, that there was a probable cause for the seizing the said salt, fish, goods, package, ships, vessels, boats, horses, or other cattle or carriages, as the case may be; and in such case the claimant or owner shall not be intitled to any costs of suit whatsoever, nor shall the person who seized the said salt, fish, goods, or package, or the said ships, vessels, or boats, or the horses, or other cattle or carriages, be liable to any action, indictment, or other suit or prosecution, on account of such seizure; and that in case any action, indictment, or prosecution, shall be commenced and brought to trial against any person or persons whatsoever, on account of the seizure of any such salt, fish, goods, or package, or of any ships, vessels, boats, horses, or other cattle or carriages, used and employed in removing or carrying the same, wherein a verdict shall be given against the defendant or defendants,

defendants, if the court or judge, before whom fuch action, indictment, or profecution, fhall be tried, fhall certify, on the faid record, that there was a probable caufe for fuch feizure, then the plaintiff, befides the thing fo feized, or the value thereof, fhall not be intituled to above two-pence damages, nor to any cofts of fuit, nor fhall the defendant, in fuch profecution, be fined above one fhilling.

XVI. *And, for the more effectual preventing vexatious fuits againft the officers for the falt duties, and their affiftants, acting under the authorities and powers to them given by the feveral ftatutes made, or hereafter to be made, for fecuring the duties on falt and rock falt, or any other duties under the management of the commissioners for the duties on falt,* be it further enacted by the authority aforefaid, That, from and after the firft day of *Auguft*, one thoufand feven hundred and eighty-five, no writ fhall be fued out againft, nor a copy of any procefs ferved upon any officer or officers for the falt duties, or againft any perfon or perfons acting by his or their order, and in his or their aid, for any thing done in the execution of, or by reafon of his or their office, until one calendar month next after notice in writing fhall have been delivered to him, or left at the ufual place of his abode, by the attorney or agent for the party who intends to fue out fuch writ or procefs as aforefaid; in which notice fhall be clearly and explicitly contained the caufe of action, the name and place of abode of the perfon who is to bring fuch action, and the name and place of abode of the faid attorney or agent, and that a fee of twenty fhillings fhall be paid for the preparing and ferving of every fuch notice, and no more.

From Aug. 1, 1785, no writ fhall be fued out againft any officer for falt duties, for executing his office, until after a month's notice.

XVII. And be it further enacted by the authority aforefaid, That it fhall and may be lawful to and for any of the faid officers, or other perfons acting in their aid, to whom fuch notice fhall be given as aforefaid, at any time, within one calendar month after fuch notice fhall have been given, to tender amends to the party complaining, or to his or her agent or attorney, and in cafe the fame is not accepted, to plead fuch tender in bar to any action to be brought againft him grounded on fuch writ or procefs, together with the plea of not guilty, and any other plea, with leave of the court; and if, upon iffue joined thereon, the jury fhall find the amends fo tendered to have been fufficient, then they fhall give a verdict for the defendant or defendants; and in fuch cafe, or in cafe the plaintiff fhall become nonfuit, or difcontinue his or her action, or in cafe judgement fhall be given for fuch defendant or defendants upon demurrer, then fuch defendant or defendants fhall be intituled to the like cofts, as he would have been intituled to in cafe he had pleaded the general iffue only; and if upon iffue fo joined, the jury fhall find that no amends were tendered, or that the fame were not fufficient, and fhall alfo find againft the defendant or defendants in fuch other plea or pleas, then they fhall give a verdict for the plaintiff, and fuch damages as they fhall think proper, together with his or her cofts of fuit.

Officer, within a month after fuch notice, may tender amends, etc.

XVIII. Provided

No evidence of the cause of action to be produced, except that contained in such notice.

XVIII. Provided always, and be it further enacted by the authority aforesaid, That no plaintiff, in any case where an action shall be grounded on any act done by the defendant, shall be permitted to produce any evidence of the cause of such action, except such as shall be contained in the notice to be given as aforesaid, or shall recover any verdict against such officer or persons acting in his aid, unless he shall prove, on the trial of such action, that such notice was given, and that in default of such proof, the defendant in such action shall recover a verdict and costs as aforesaid.

Defendant allowed to pay money into court.

XIX. And be it further enacted by the authority aforesaid, That in case such officer, or others acting in his aid, shall neglect to tender any amends, or shall have tendered insufficient amends, before the action brought, it shall and may be lawful for him or them, by leave of the court where such action shall be brought, at any time before issue joined, to pay into court such sum of money as he or they shall see fit, whereupon such proceedings, orders, and judgements shall be had, made, and given, in and by such court, as in other actions where the defendant is allowed to pay money into court.

Limitation of actions.

XX. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any matter or thing done by any officer or officers for the salt duties, or any others acting in his or their aid, in execution of, or by reason of his or their office, such action or suit shall be brought or commenced within three months next after the cause of action shall arise, and not afterwards, and shall be laid and tried in the county or place where the facts were committed, and not in any other county or place; and the defendant or defendants shall and may plead the general issue, and give the special matter in evidence, at any trial to be had thereupon; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or suit, or if, upon a verdict or demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedies for the same, as any defendant or defendants can or may have in other cases where costs are given by law.

General issue.

Treble costs.

In actions brought relative to seizures, proof of payment of duties to lie on the claimer.

XXI. And be it further enacted by the authority aforesaid, That if any salt, fish, or other goods, liable to the duties on salt, or any other duties under the management of the commissioners for the said duties on salt, shall be seized by virtue of, or in pursuance of any act or acts of parliament now in force, or hereafter to be made; or if any action shall be brought by the owner or claimer of any such salt, fish, or other goods, against any officer or officers for the salt duties, or any person acting in their assistance, for any thing done in pursuance of any such act or acts, the proof of the payment of the said duties upon such salt, fish, or other goods so seized, shall lie upon the owner or claimer of such salt, fish, or other goods, and not on the

the person who feized the same, or against whom such action shall be brought.

XXII. And be it further enacted by the authority aforesaid, That if any person or persons shall obstruct, assault, resist, oppose, molest, or hinder any officer or officers of the salt duties in the execution of his or their office, or in the execution of any of the several powers and authorities given or granted to such officers by this or any other act now in force, or hereafter to be made; or shall beat or abuse the said officers, or any of them, in the execution of their office; every person or persons so offending shall severally forfeit and lose, for every such offence, the sum of one hundred pounds.

Penalty on obstructing officers.

XXIII. And be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, upon the entry of any claim to any horses or other cattle, or to any carriages, or to any ship, boat, or other vessel, or to any salt, fish, or other goods, or the package thereof, or to any other thing whatsoever, seized for any cause of forfeiture, by virtue of any act or acts of parliament now in force, or hereafter to be made, relating to the duties on salt, or any other duties under the management of the commissioners for the salt duties, the person or persons who shall enter the claim, as the owner or owners, proprietor or proprietors thereof (in case such claimant shall reside in the kingdom of *Great Britain*), shall be bound, with two other sufficient securities, in the penalty of one hundred pounds, to answer and pay the costs occasioned by such claim; and if such owner or proprietor shall not reside in *Great Britain*, then, and in such case, the attorney or solicitor, by whose direction such claim shall be entered, shall, in like manner, be bound with two other sufficient securities, in the like penalty, to answer and pay the costs occasioned by such claim, any law, custom, or usage, to the contrary notwithstanding.

From Aug. 1, 1785, claimants of goods seized by virtue of any salt act, to enter into bond to pay costs, &c.

XXIV. *And whereas, by the several regulations hereby established, and by the reduction in the allowances granted by former acts of parliament, the produce of the several and respective duties on salt will be much increased;* be it therefore enacted, That a just and reasonable proportion shall be taken by the cashier of the said salt duties, out of the monies that shall arise and come to his hands, for the respective duties granted by the before recited acts of the twenty-sixth year of the reign of his late majesty King *George the Second*, and of the twentieth and twenty-second years of the reign of his present Majesty; and he the said cashier shall set apart, and pay into the receipt of his Majesty's exchequer, the annual sum of twelve thousand pounds, by payments of three thousand pounds each quarter; *videlicet*, on or before the tenth day of *October*, the fifth day of *January*, the fifth day of *April*, and the fifth day of *July*, in every year, the first quarterly payment to be paid for the quarter which will end the tenth day of *October*, one thousand seven hundred and eighty-five; and such quarterly sum and sums of three thousand pounds;

A just proportion of the salt duties to be taken for the duties granted by the former acts.

12,000l. to be paid annually into the exchequer,

so

and entered
separate from
all other mo-
nies.

Application
thereof.

Penalties and
forfeitures
how to be re-
covered and
applied.

Defendants
may plead the
general issue,

and recover
treble costs.

so to be paid into the said receipt of the exchequer, shall be entered and kept distinct and apart from all other monies paid and payable to his Majesty, his heirs and successors; and shall, together with such other rates, duties, and revenues, as are or shall be granted by any act or acts of this session of parliament, be a fund for the payment of the several annuities, and all such other charges and expences as are directed to be paid and payable, pursuant to an act of this present session of parliament, (intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures.*)

XXV. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, by this act imposed, and all other fines, penalties, and forfeitures, by any former act imposed or hereafter to be imposed, relating to the duties on salt, or any other duty now or hereafter to be under the management of the commissioners for the duties on salt, shall be sued for, levied, recovered, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be recovered or mitigated by any law or laws of excise, or salt duties, now in being, or hereafter to be made respectively; and that no appeal or writ of *certiorari* shall be allowed upon any judgement or conviction in any penalty or forfeiture inflicted, either by this or any other act made or to be made relating to the duties on salt, or any other duties under the management of the commissioners for the salt duties, or by any action of debt, bill, plaint, or information, in any of his Majesty's courts of record in *Great Britain*, wherein no essoin, protection, privilege, or wager of law, shall be allowed, or more than one imparlance; any law or statute to the contrary in anywise notwithstanding; and that one moiety of every such fine, penalty, and forfeiture, (not otherwise directed by any former act) shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

XXVI. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or prosecuted, for any thing done by virtue or in pursuance of this or any other act now in force, or hereafter to be made, relating to the duties on salt, or other duties under the management of the commissioners for the duties on salt, such person or persons shall and may plead the general issue, and give this act, or such other act, and the special matter in evidence, in his or their defence or defences; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action or actions, or be nonsuited, or judgement shall be given against him, her, or them, upon demurrer or otherwise; then such defendant or defendants shall have treble costs awarded to him or them against any such plaintiff or plaintiffs.

XXVII. *And whereas many persons, having incurred heavy penalties by reason of offences committed against the laws for collecting and securing the duties on salt, and on account of foreign and British salt*

salt delivered duty-free for the fisheries, are deterred from renouncing their evil courses, through fear of being discovered by some of their associates, and thereby subjected to prosecution: and whereas it is expedient to extend a pardon and indemnity to persons under the aforesaid circumstances; be it therefore enacted, That no prosecution, by bill, plaint, information, or action of debt, shall be commenced for any pecuniary penalty or forfeiture incurred by reason of any offence committed, by any person or persons, against any of the provisions of any act or acts for collecting and securing the duties under the management of the commissioners of the salt duties, committed before the first day of June, one thousand seven hundred and eighty-five, but that the said penalties and forfeitures be wholly pardoned and released.

All persons indemnified for offences committed relative to salt duties, before June 1, 1785.

C A P. LXIV.

An act for altering and amending an act, made in the last session of parliament, intituled, An act for granting to his Majesty certain duties on all gold and silver plate imported, and also certain duties on all gold and silver wrought plate made in Great Britain.

WHEREAS by an act, made in the twenty-fourth year of the reign of his present Majesty, intituled, An act for granting to his Majesty certain duties on all gold and silver plate imported, and also certain duties on all gold and silver wrought plate made in Great Britain, after reciting, That gold and silver wares, when sent to be marked and assayed, were sent in so rude and rough a state, that the same in the finishing were greatly lessened in weight, it was enacted, That the person appointed by the several companies, or assay offices, to take and receive the monies and duties directed by the said act, should, where such plate was sent to be marked and assayed in the same rude and rough state as theretofore had been usual, make a deduction of one fifth from the weight, and an allowance of one fifth part of the duty imposed by the said act, to the person or persons bringing the same: and whereas doubts have arisen upon the construction of the words rude and rough state as theretofore had been usual, the manufacturers having been accustomed, time immemorial, to send in their work in various states to the assay offices to be marked and assayed, and great inconveniences and disputes frequently arise between the manufacturers and assay officers, on the construction of the said words: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of July, one thousand seven hundred and eighty-five, the person appointed by the said companies or assay offices to take and receive the monies and duties directed by the said act, where such plate is sent to be marked in any unfinished state, so that a diminution in the weight thereof must necessarily remain to be made by the worker or manufacturer thereof, before

Preamble.

Recital of 24 Geo. 3. c. 53.

From July 24, 1785, the person appointed to receive the duties payable for marking of plate, may make an allowance of

1-6th part of
the duty for
all plate
brought in an
unfinished
state.

the same shall be finished, shall, in respect of such diminution as aforesaid, make a deduction of one sixth part from the weight, and an allowance of one sixth part of the duty imposed by the said act, to the person or persons bringing the same, instead of one fifth part, as by the said recited act is directed; and shall, at the bottom of the note or memorandum, by the said act directed to be kept and filed; express the deduction from the weight, and the allowance of the duty accordingly, as in and by the said act was directed.

Two clauses
in the act of
last session re-
cited,

II. *And whereas by the said recited act it was also enacted, That, in case any person or persons whatsoever should, at any time or times after the first day of December, one thousand seven hundred and eighty-four, during the continuance of the duties by the said act imposed upon wrought plate, or manufactures of gold and silver, export, by way of merchandize, for any foreign parts, any plate of gold or silver, wrought or manufactured in this kingdom, which by the said act is charged or chargeable with the respective duties of eight shillings per ounce, and sixpence per ounce, and the same should appear to have been made and marked as aforesaid, after the first day of December, one thousand seven hundred and eighty-four, and the duty thereby directed should have been paid thereon; and should give sufficient security, before the shipping thereof for exportation, that the particular quantities of such plate or manufactures of gold and silver, intended to be exported as aforesaid, and every part thereof, should not be reloaded or brought again into Great Britain, and should make proof, upon oath, that the same gold or silver plate or manufactures were actually made and marked as aforesaid, after the said first day of December, one thousand seven hundred and eighty-four; and should also produce or deliver to such customer or collector a certificate under the hand of the person to whom such wrought plate or manufactures of gold and silver were consigned, certifying that the same had been received, and mentioning the weight and particular species of plate so consigned and received, the name of the person consigning the same, the name of the vessel, and the name of the captain commanding such vessel, and the port of Great Britain from which the said vessel was cleared, and the port to which such vessel was bound; and should also, where the drawback should amount to five pounds, and upwards, authenticate such certificate by notarial act in writing, and where the same could not be done by a notarial act, then the same should be authenticated under the hand and seal of the chief magistrate of the city, town, or place, where such wrought plate or manufacture of gold and silver should be received; that then the said customer or collector should give to the exporter thereof a debenture, expressing the true kinds and quantities of such plate and manufactures of gold or silver so exported, or shipped to be exported; and the exportation or shipping thereof being certified by the searcher upon the said debenture, the collector or receiver of the said duty on plate, upon the said debenture so certified being produced to him, should forthwith pay a drawback or allowance after the rate of eight shillings for every ounce Troy on gold, and sixpence for every ounce Troy on silver plate or manufacture, out of the money in his hands, in the*

manner in the ſaid act particularly mentioned and ſet forth: and whereas the great delay in with-holding the drawback, in caſes where ſuch plate or manufacture of gold and ſilver is wanted to be exported to the Eaſt and Weſt Indies, and to other diſtant parts, until the certificate, directed in the ſaid recited claufe, can be procured from the perſons to whom ſuch wrought plate is conſigned, tends greatly to impede the exportation of gold and ſilver manufactured plate to foreign parts, and is very injurious to the manufacturers thereof: and whereas by the ſaid recited act it was alſo further enacted, That all wrought gold and ſilver plate, which ſhould be intended to be exported from this kingdom into any foreign parts, ſhould, before the ſame was ſhipped, be brought to the aſſay office, and ſhould there be ſtamped with the figure of a Britannia, in order to denote that ſuch plate was intended for exportation, and to be allowed the drawback thereon: and whereas the ſtriking the Britannia mark on many articles of wrought gold and ſilver plate, in their finiſhed ſtate, can in no way be praſtiſed without doing material damage to ſuch wrought plate; he it therefore enacted, That, from and after the twenty-fourth day of July, one thouſand ſeven hundred and eighty-five, the ſaid two laſt recited claufes in the ſaid act contained, and each of them, ſhall be, and the ſame are hereby reſpectively repealed.

and repealed.

III. *And, in order to prevent any injury to the manufacturers of gold and ſilver plate, and for the better encouragement of the exportation thereof, be it enacted, That in caſe any perſon or perſons whatſoever ſhall, at any time or times after the twenty-fourth day of July, one thouſand ſeven hundred and eighty-five, during the continuance of the duties by the ſaid recited act impoſed upon wrought plate, or manufactures of gold and ſilver, exported by way of merchandize, for any foreign parts, any plate of gold or ſilver, wrought or manufactured in this kingdom, which, by the ſaid recited act, is charged or chargeable with the ſaid reſpective duties of eight ſhillings per ounce, and ſixpence per ounce, and the ſame ſhall appear to have been made or marked as aforeſaid, after the ſaid firſt day of December, one thouſand ſeven hundred and eighty-four, and the duties thereby directed ſhall have been paid thereon, and ſhall give ſufficient ſecurity, before the ſhipping thereof for exportation, that the particular quantities of ſuch plate, or manufactures of gold or ſilver, intended to be exported as aforeſaid, and every part thereof, ſhall not be re-landed or brought again into Great Britain; and ſhall make proof, upon oath, that the ſame gold or ſilver plate, or manufactures, were actually made or marked as aforeſaid, after the time in the ſaid recited act mentioned, which ſecurity ſhall be taken in the King's name, and to his uſe, and the oath or oaths adminiſtered by the cuſtomer or collector of the reſpective port of ſuch exportation, without fee or reward; that then, and in every ſuch caſe, and without the production of any ſuch certificate, or notarial or other act in writing, as in the ſaid act is mentioned, the ſaid cuſtomer or collector ſhall give to the exporter thereof a debenture, expreſſing*

Clause for the encouragement of the exportation of gold and ſilver plate.

ing the true kinds and quantities of ſuch plate and manufactures of gold or ſilver ſo exported, or ſhipped to be exported; and the exportation or ſhipping thereof being certified by the ſearcher upon the ſaid debenture, the collector or receiver of the ſaid duty upon plate, at the ſeveral aſſay offices where the ſame were marked and aſſayed, ſhall, upon the ſaid debenture, ſo certified, being produced to him, forthwith pay a drawback or allowance, after the rate of eight ſhillings *per ounce Troy*, and proportionably for any greater or leſs quantity of ſuch plate, or manufacture of gold; and after the rate of ſixpence for every ounce *Troy*, and proportionably for every greater or leſs quantity of ſuch plate, or manufacture of ſilver, out of the money of the ſaid duties on plate, or manufactures of gold and ſilver, then in the hands of the ſaid receiver or collector, without fee or reward; and if the ſaid collector or receiver ſhall not have money in his hands to pay any ſuch debenture, then the receiver general of the ſtamp-duties for the time being, is hereby required to pay, or cauſe to be paid, the ſaid debenture, out of the duties ariſing by this act, any thing herein contained to the contrary notwithstanding.

Gold and ſilver watches, how to be marked.

IV. And be it further enacted, That the exporters of gold and ſilver watches ſhall mark or engrave in the inſide of every caſe or box of each watch, incloſing the works thereof, the ſame numbers and figures which ſhall be reſpectively marked or engraved on the works of the watch which ſhall be incloſed in ſuch caſe or box.

Bonds to remain in force until the particulars herein mentioned ſhall be complied with.

V. *And, the better to prevent the fraudulent relanding of any plate in this kingdom, after the drawback has been paid and allowed for the ſame,* it is hereby further enacted by the authority aforeſaid, That all ſecurities and bonds, required to be taken as aforeſaid, ſhall continue and remain in force, until every ſuch exporter of any wrought plate, or manufactures of gold and ſilver, ſhall produce and deliver to ſuch customer or collector the bill of lading thereof; and which ſhall have at the foot the receipt of the maſter of the veſſel on board of which the ſaid plate or manufactures were ſhipped, and alſo a receipt or certificate, on the back of ſuch bill of lading, under the hand of the perſon to whom ſuch wrought plate or manufactures of gold and ſilver were conſigned, certifying or acknowledging that the ſame have been received, and mentioning in ſuch receipt or certificate the true kinds and quantities of plate ſo conſigned and received, and the name of the perſon conſigning the ſame; and alſo, if ſuch plate ſhall conſiſt of watches, the numbers or figures marked or engraved in the inſide of the caſe or box of each ſuch watch; that then ſuch ſecurities and bonds ſhall and may be delivered up and cancelled.

Bonds to be cancelled upon the loſs of any veſſel exporting ſuch goods.

VI. Provided always, and be it further enacted, That where the ſhip or veſſel, on board of which ſuch plate, or manufactures of gold and ſilver, or watches, were ſhipped, ſhall be loſt, or ſhall not, within the ſpace of three years, return to any port

in Great Britain; upon due proof thereof being made to the customer or collector at the port at which the said drawback was received, and the said bonds given, the said customer or collector shall deliver up to such exporters their securities and bonds, so given by them, in order that the same may be cancelled, if no fraud therein shall in the mean time have appeared, or no prosecution thereon shall have been commenced.

C A P. LXV.

An act for the further encouragement of the British fisheries.

WHEREAS the extending and improving of the British fishery Preamble.
 hath been frequently declared by parliament to be of great importance to this kingdom, inasmuch as it not only adds considerably to the national wealth, but is moreover a fruitful nursery of able seamen for the publick service: and whereas, by an act passed in the eleventh year of the reign of his present Majesty, intituled, An act for the encouragement of the white herring fishery, a bounty of thirty shillings per ton is made payable annually to the owner or owners of all-decked busses or vessels, from twenty to eighty tons burthen, fitted out and employed in the said fisheries, for the space or term of seven years, from and after the twenty-second day of October, one thousand seven hundred and seventy-one, and to the end of the then next ensuing session of parliament, in the manner, and under the regulations therein mentioned: and whereas, by an act passed the nineteenth year of his said Majesty's reign, for continuing and amending the said act, it was enacted, That the said former act should, from and after the term in the said former act mentioned, be continued for and during the further term of seven years, and from thence to the end of the then next session of parliament: and whereas it might tend to the encouragement of the said fishery, by inducing a greater number of persons to engage therein, if the said bounty were extended, under certain restrictions, to the owners of decked busses or vessels of a greater burthen than eighty tons: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of August, one thousand seven hundred and eighty-five, the said bounty of thirty shillings per ton shall, during the continuance of the term for which the same was so granted, be extended to, and be payable and paid to the owner or owners of, all decked busses or vessels, of what burthen soever the same may be, other than and except decked busses or vessels under twenty tons burthen, which shall be in all respects (save only in respect to their burthen or tonnage) built, fitted out, visited, and licensed, according to the directions of the said last mentioned act, and shall be manned, victualled, furnished, and accoutred, in proportion to their respective rates of tonnage, in the manner by the said act prescribed for the manning, victualling, furnishing, and accoutring

11 Geo. 3. c.

19 Geo. 3. c.

26.

From Aug. 1, 1785, the bounty of 30s. per ton extended to all decked vessels, except under 20 tons burthen.

ring buffes and veffels of a burthen not exceeding that of eighty tons: provided nevertheless, that no owner or owners shall be intitled to the said bounty for more than eighty tons, upon or in respect of any bus or vefsel, although such bus or vefsel shall exceed that burthen.

Preamble, relative to places of rendezvous appointed by former acts.

II. *And whereas, in and by the said recited act of the eleventh year of his present Majesty's reign, certain times and places are appointed for the rendezvous of all decked buffes and veffels employed in the said fishery, and certain oaths are thereby also directed to be taken by the owner and master, or chief officer of every such bus or vefsel, before the collector or comptroller of the port of her clearance outwards, previous to the departure of such bus or vefsel, and by the said master or chief officer, after her return to such port as aforesaid, in order to her discharge, as well in respect to her being at one of the said places of rendezvous, as in respect to several other matters therein specified: and whereas by the said act, made in the nineteenth year of his present Majesty's reign, for continuing and amending the said former act, the times of rendezvous were altered, and other places of rendezvous were added to those appointed by the said former act: and whereas the compelling buffes and veffels, employed in the said fishery, to rendezvous at the places, and within the times, in and by the said act appointed and limited for that purpose respectively, has been found extremely inconvenient, and injurious to the owners of such veffels, and to the persons employed therein, and is a great discouragement to the fishery; be it therefore further enacted, That so much, and such parts of the said two severally recited acts, as direct that any decked bus or vefsel shall proceed to or be at any of the places of rendezvous, in and by the said acts for that purpose appointed, and also so much and such parts of the said recited act of the eleventh year of his present Majesty's reign, as direct that the owner or master, or chief officer of any such vefsel, shall make such several oaths as are therein prescribed, shall be, and the same are hereby repealed; and that, instead thereof, the owner or owners, and master or chief officer of the vefsel shall, before her clearance, take and subscribe an oath, before the collector or comptroller of the port of clearance outwards, in the following form; that is to say,*

Part of the said acts repealed.

Owner, etc. to be sworn before clearance outwards.

The oath.

I A. B. *do swear, That it is really and truly my firm purpose and determined resolution, that the bus or vefsel, now lying in the port of* _____ *called* _____ *(Specifying the names of the port and vefsel,) as now manned, furnished, and accoutred, shall proceed immediately upon the British white herring fishery, there to continue fishing, in an orderly regular manner, for the space of three months at the least, (unless she shall have sooner completed her full loading of fish,) without impeding or obstructing any other vefsel which shall be employed in the said fishery.*

So help me GOD.

And that the master, or chief officer of the vefsel, after her return to port in order to her discharge, shall likewise take and subscribe

subscribe the following oath, before the said collector or comptroller; that is to say,

I A. B. do swear, That the bus or vessel, called the *now lying in the port of* (specifying the names of the vessel and port,) did, without delay proceed from the said port, upon her last clearance from thence outwards, to or upon the British white herring fishery, and did there remain and continue employed in fishing for herrings, or other fish, according to law; and that during all that time, the quantity of nets and other stores, and number of men by law in that behalf, required were on board the said bus or vessel, or were employed in the lawful prosecution of the said fishery; and that the said bus or vessel hath not, since her said last clearance outwards from the said port, been on any other voyage, or pursued any other design or view of profit than that of taking fish, and salting or curing the same, or salting or curing other fresh fish lawfully purchased at sea; and that all the fish brought into port by the said bus or vessel, were taken by the crew belonging thereto; [and in case of the bus or vessel not returning till after the expiration of three months, the following words are to be added to the said oath, (videlicet,) or were purchased of British subjects.]

Oath to be taken by the master after return into port.

So help me G.O.D.

III. And be it further enacted, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, the owners or masters of any decked busses or vessels, being built, manned, victualled, furnished, accoutred, stored, fitted out, and licensed in the manner required by the said recited act of the eleventh year of his present Majesty's reign, and which shall clear out of any port of *Great Britain* at any time or times between the first day of *June* and the first day of *October*, and shall proceed immediately upon the white herring fishery, and shall there begin and continue to fish, according to the regulations of the said last mentioned act, and of this present act, without returning into port for the space of three calendar months, to be computed from the day upon which such owners or masters respectively first shot or wetted their nets, or shall return into port within that space of time with a full cargo of fish, taken wholly by the crew of such bus or vessel, shall be intitled to the said bounty of thirty shillings per ton; any thing in the said two severally recited acts, or either of them, contained to the contrary notwithstanding.

From Aug. 1, 1785, all decked vessels, on compliance with certain conditions, shall be intitled to the bounty of 30s. per ton.

IV. And be it further enacted, That in case the crew of any bus or vessel, employed in the said white herring fishery, shall, during the time of their continuance at sea, catch any cod, ling, or hake, it shall and may be lawful to and for such crew to take and use, for the salting or curing of such cod, ling, or hake, a sufficient quantity of the salt on board of such bus or vessel, for which they shall be intitled to the same allowance as if the same had been consumed in the salting or curing of herrings,

Regulations relative to cod, ling, and hake.

rings, but fo as nevertheless that no bounty shall be allowed on the exportation of fuch cod, ling, or hake; and to that intent all fuch cod, ling, and hake shall, on the landing thereof, and before the fame shall be removed from shore, have part of the tail cut off in the prefence of the collector or comptroller of the port, that it may be known that the owners of the fish fo marked are not intitled, in refpect thereof, to any bounty upon the exportation of the fame; and the faid collector or comptroller is hereby impowered and required to cut off, or caufe fo to be in his prefence, part of the tail of all fuch cod, ling, and hake, on the landing thereof; and if any of fuch cod, ling, or hake, shall be landed or removed from the shore before the fame shall be tendered to the faid collector or comptroller to have part of the tail cut off as aforefaid, all the fish fo landed or removed shall be forfeited, together with double the value thereof, to be recovered of the importer of fuch fish, or of the proprietor or mafter of the vefel.

Owners of
decked vefels
may purchafe,
at fea, fresh
herrings, etc.
from British
fubjects.

V. And be it further enacted, That it shall and may be lawful to and for the owners or chief officers of any decked bufses or vefels, employed in the faid fishery, to purchafe in any part of the feas, or other waters where fuch fish are to be found; any quantity or quantities of fresh and unfalted herrings, cod, ling, or hake, from or out of any boat or boats belonging to *British* fubjects; and alfo to fhip any quantity of fish, as well what they shall catch or take, as what they shall fo purchafe on board of any other *British* vefel or vefels; and that the owner or owners, or chief officer or officers, of fuch laft-mentioned vefel or vefels shall be at liberty to enter and land the fish fo shipped on board thereof, in any port or ports of *Great Britain*, in fuch and the fame manner as the owners or chief officers of the bufses or vefels, out of which the fame shall be fo shipped, could or might have lawfully done; oath being taken and fubfcribed, by the owner or chief officer of each refpective vefel bringing fuch fish into port, before the collector or comptroller of the port where the fame shall be entered, fpecifying the forts of fish, and the refpective quantities of each fort, together with the name or names of the buf or vefel, bufses or vefels, from which the faid fish were shipped, and of the refpective mafter or chief officer thereof, and of the port or ports from whence the faid buf or vefel, bufses or vefels, was or were cleared; and alfo that fuch fish were, according to the beft of his knowledge and belief, caught and falted, or caught and cured, as the cafe may be, by *British* fubjects; and the collector or comptroller of the port, at which fuch fish shall be fo entered and landed, shall, upon demand, deliver *gratis*, to any of the owners of fuch fish, a certificate under his hand and feal, fpecifying the particulars of the fame, and the faling or cure thereof; which certificate shall be admitted as proof of the confumption of the falt used in the faling or curing of fuch fish, as the cafe may be.

Particulars to
be fworn to
on landing
thereof.

VI. Provided always, That no owner or owners of any buf or

or

or vessel, which shall return into port from the said fishery, within the said space of three calendar months, to be computed from the day whereon the nets belonging to such bufs or vessel were first shot or wetted, without a full cargo of herrings; or having a full cargo, unless the whole of such cargo was *bona fide* caught and taken by the crew belonging to such bufs or vessel, shall be intitled to any bounty in respect of the tonnage of such bufs or vessel; any thing herein, or in any other act, contained to the contrary notwithstanding.

VII. *And, for reviving and encouraging the cod fishery in the north seas and Iceland, and that the same may be carried on with success,* be it further enacted, That the master of any boat or

vessel, bound on a fishing voyage to the said north seas or Iceland, shall, from and after the first day of August, one thousand seven hundred and eighty-five, be allowed to take from any salt works or salt pits, any quantity of *British* salt for the salting or curing of fish, without paying any duty for the same, such salt being weighed at the salt pit or salt works in the presence of an officer for the duties upon salt, and being lodged in a warehouse under the lock and key of the said officer, as well as of the proprietor of the said salt; which salt, so lodged as aforesaid, shall remain in the custody of the said officer, jointly with the said proprietor, until the same shall be delivered out to be put on board the fishing vessel, and so from time to time on each succeeding voyage; and upon the return of such vessel from the fishing voyage, the whole of the salt in such vessel, which shall not have been used under the authority of this act, in the salting or curing of fish as aforesaid, shall again be lodged under the like custody as aforesaid, the proprietor or proprietors, or his or their agent or agents, entering, at the next office for the duty on salt, the respective quantities of *British* salt so lodged by him or them from time to time as aforesaid, and the said officer keeping an account of every respective quantity of the said salt so entered and lodged in his custody as aforesaid; and that previous to every fishing voyage, the proprietor or proprietors of the said salt, or his or their agent or agents, shall make oath in writing, before the officer for the duty on salt, at the office nearest to the place where the said salt is lodged, declaring the quantity of the salt lodged as aforesaid, and that all the said salt is intended for the curing of fish to be caught at the north seas, or at *Iceland*, and shall not, by his or their order, consent, or connivance, directly or indirectly, be sold, given away, or any ways delivered but for the purpose aforesaid; after which oath, so made as aforesaid, and filed up by the said officer, in the said office, the officer, in the joint custody of whom, and of the proprietor or proprietors, or his or their agent or agents, the salt has continued during the interval of the fishing voyage, shall deliver into the sole custody of the said proprietor or proprietors, his or their agent or agents, all the said salt for the curing of fish to be taken during the said fishing voyage; and that, at the end of every fishing voyage, the officer for the said

Vessels returning into port within three months, without a full cargo, not intitled to bounty.

From Aug. 1, 1785, masters of vessels bound to the north seas or Iceland may take salt for curing of fish without paying duty.

Salt not used to be returned to the warehouse.

Previous to every voyage, the proprietor of salt intended for curing fish, to make oath of the quantity so lodged, etc.

duty on falt shall take a particular account of the quantity of falt remaining in hand, which remaining falt shall be immediately locked up in the joint custody of the said officer and proprietor or proprietors, his or their agent or agents, as aforesaid; and the said proprietor or proprietors, his or their agent or agents, using the said falt, shall, as soon as possible, after the end of every fishing voyage, deliver an account in writing into the said office for the duty on falt, specifying the quantity of fish entered with the proper officer or officers of the port or ports where such fish was landed, in the curing or salting of which any of the falt taken away, after its delivery into the sole custody of the said proprietor or proprietors, his or their agent or agents, has been used or consumed, together with a certificate or certificates from the proper officer or officers of the port or ports where the said fish were so entered, verifying the said account; which certificate or certificates such officer or officers is and are hereby directed to give gratis, and which said account delivered into the office as aforesaid, shall be affirmed by the oath of the said proprietor or proprietors, his or their agent or agents, using the said falt, and shall remain in the said office, to the end that the quantity of fish salted or cured and entered, and the quantity of falt used in salting or curing the same, may, from time to time, appear upon oath, and be compared together; and in case any of the said falt shall be delivered over to any other person or persons, to be by him or them used in salting or curing of fish, the quantity or quantities of falt so delivered over shall be expressed in the said account; and each person to whom such falt shall be so delivered, or his agent, shall likewise, upon oath, make another account of the particular quantity of such falt used by each of them in the salting or curing of fish; which account, together with the proper certificates, as aforesaid, shall likewise be transmitted into the office aforesaid, there to remain, for the purposes above mentioned; and if such proprietor, or his agent, or any other person or persons to whom any quantity of falt shall be delivered over as aforesaid, shall, for the space of six months after the end of every respective fishing season, refuse or neglect to deliver such account, attested upon oath, as aforesaid, such proprietor or other person shall, for every such offence, forfeit the sum of one hundred pounds.

VIII. Provided always, and be it further enacted, That no part of the falt so shipped as aforesaid shall be afterwards reshipped or delivered out at sea to any person or persons, save only in the north seas or at *Iceland*, and to *British* subjects belonging to fishing vessels which shall have been regularly cleared out of a *British* port; and that so often as any falt shall be so delivered out as aforesaid, the owner or master of the vessel from whence the same shall be reshipped, shall make and subscribe an oath before the collector or comptroller of the port of his out-fit, specifying the quantity delivered, and the names of the vessels on board of which the said falt shall have been shipped, and of the

and at the end thereof, to deliver a written account to the salt office, specifying the quantity of fish entered, etc.

Every person receiving falt as aforesaid, shall deliver an account of the quantity used in each voyage.

on penalty of 100l.

Restrictions on delivering out falt at sea.

the owner and master thereof, and the place of her out-fit, to the intent that, if both vessels shall not have been cleared outwards from one and the same port, the respective collectors or comptrollers of the several ports of clearance of such vessels may be duly informed, by each other, of the circumstances of the case, and which they are hereby expressly required, from time to time, to communicate to each other forthwith; and also to the intent that the several owners or masters, through whose hands any of such salt shall pass, may be charged with and called upon, at the ports of their respective out-fits, to account upon oath for the due consumption of the same in the salting or curing of fish; and the like rule and regulation shall be, and are hereby enacted and established, for the due accounting for the said salt through whosesoever hands the same shall or may pass at sea.

IX. Provided also, and be it further enacted and declared, That no bounty whatsoever shall be paid or allowed upon the exportation of any cod, ling, hake, or other fish, which shall be brought or imported into *Great Britain* from *Iceland* or the north seas, any act or statute to the contrary notwithstanding: and, to the intent that no such bounty may be allowed, all such cod, ling, or other fish, so imported as aforesaid, shall, on the landing thereof, and before the same shall be removed from shore, have part of the tail cut off in the presence of the collector or comptroller of the port, that it may be known that the owner or owners of the fish so marked are not intitled, in respect thereof, to any bounty on the exportation of the same.

No bounty to be paid on exportation of cod, etc. brought from the north seas, etc.

X. And be it further enacted, That when and so often as any salt shall have been so reshipped at sea, and the consumption thereof duly accounted for as aforesaid, the collector or comptroller, before whom the account thereof shall be taken, shall grant a certificate of the same, under his hand, *gratis*, directed to the collector or comptroller of the port at which the said salt was originally shipped; which certificate, being produced by the person who so shipped the salt, shall be admitted as proof of such consumption, and intitle such person to credit for the same upon his account; but no such certificate shall be available, or admitted as proof of the due consumption of any salt pretended to have been reshipped or delivered over at sea, unless such certificate shall be delivered to the collector or comptroller of the port where the said salt was originally shipped, within the space of six calendar months next after the return to port of the bus or vessel on board of which the salt was so originally shipped as aforesaid.

Clause relative to salt reshipped at sea.

XI. And be it further enacted, That for every bushel of salt, so as aforesaid taken out of the salt works or warehouse, which shall not be accounted for in the manner above-mentioned, or by certificate from the justices of the peace at their quarter sessions, that proof was there made that such salt was put on board any boat or vessel for salting or curing of fish at sea, and was there

Penalty of not accounting for salt taken out of the salt works, etc.

there taken by enemies, or otherwise loft or perished at fea, or fhall not be returned into or found remaining, at the end of every fifhing voyage, in the warehoufe as aforefaid, the proprietor or proprietors thereof, or his or their agent or agents, who took out the fame, fhall, according to the quantity or refpective quantities for which he or they fhall ftand accountable, forfeit and pay the fum of twenty fhillings; and every fuch perfon felling, giving away, ufing, or delivering any fuch falt, or confenting, or being anyways priyy to the felling, giving away, ufing or delivering fuch falt, directly or indirectly, otherwife than for the purpofes and to the perfons aforefaid, fhall forfeit, pay, and undergo the penalties and punifhments herein-after mentioned; (that is, to fay),

Penalty on perfons felling or difpofing of fuch falt.

Every proprietor of fuch falt, or his agent, for every bufhel of fuch falt fo fold, given away, ufed or delivered, fhall forfeit and pay the fum of twenty fhillings:

And every other perfon, buying, taking, or ufing any fuch falt, otherwife than for the purpofe and in the manner aforefaid, fhall forfeit and pay the fum of twenty fhillings for every bufhel of falt fo bought, delivered, or ufed; and after that rate for a lefs quantity.

Penalty on proprietor for falt found wanting at redelivering thereof.

XII. And be it further enacted, That, for every bufhel of falt fo lodged, which fhall either be carried away, or be found wanting, at the redelivering thereof into the fole cuftody of the proprietor thereof as aforefaid, reasonable allowance for the wafte of fuch falt being firft made, the faid proprietor fhall forfeit the fum of twenty fhillings, to be applied and recovered as herein-after mentioned.

Penalty on embezzling Britifh falt after carried from the pit, etc. for curing fifh.

XIII. And be it further enacted, That, every perfon who fhall unlawfully take away, embezzle, or mifapply, any *Britifh* falt, after it is weighed and carried from any falt work or falt pit in *Great Britain*, in order to its being cellared and locked up for the curing or falting of fifh, and before it is brought unto, and locked up in any cellar or ftorehoufe by the proprietor and the officer for the falt duties, as directed by this act, fhall forfeit and pay the fum of twenty fhillings for every bufhel of *Britifh* falt fo unlawfully taken away, embezzled, or mifapplied, reckoning fuch *Britifh* falt at fifty-fix pounds weight to the bufhel, and fo in proportion for a lefs quantity.

Penalties and forfeitures how to be recovered and applied.

XIV. And be it further enacted, That all penalties and forfeitures given by this act fhall be diftributed in manner following; (that is to fay), one moiety thereof to his Majefty, his heirs and fucceffors, and the other moiety to the officer or officers who fhall feize, inform, or fue for the fame; and fhall be fued for, recovered, and levied, in fuch manner and form, and with fuch power of mitigation, as any fine, penalty, or forfeiture, may be fued for, recovered, levied, and mitigated, by any law of excife, or by action of debt, bill, plaint, or information,

tion, in any of his Majesty's courts of record at *Westminster*.

XV. And be it further enacted, That if any person or persons shall happen to be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, such person or persons shall or may plead the general issue, and give this act, and the special matter in evidence; and if upon trial a verdict shall pass for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, discontinued, or forbear prosecuting such action or actions, then such defendant or defendants shall be intitled to double costs against such plaintiff or plaintiffs, for which he or they shall have the like remedy as a defendant can have in any case where costs are given him by law.

Limitation of actions.

General issue.

Double costs.

XVI. Provided always, and it is hereby declared, That nothing in this act contained shall extend, or be implied or construed to extend, to repeal or alter any act or acts now in force, or any of the clauses or provisions therein contained, or to take away, abridge, lessen, or affect any of the powers or authorities thereby given or granted respectively, for settling or regulating the mode or course to be observed in fitting out for any fishery, or clearance outwards, or entry inwards, or the discharge of any buss or fishing vessel, or in cellaring, securing, shipping, re-shipping, or re-landing any salt to be used for the salting or curing of fish, or in fishing for, catching, salting, curing, stowing, landing, removing, marking, or exporting any fish whatsoever, or in the payment or allowance of any bounties thereby respectively granted on the tonnage or burthen of any buss or vessel, or on any fish to be exported; save only and except so far as any such act or acts, or the clauses, provisions, powers, or authorities therein contained or granted, are specifically or expressly repealed, revoked, altered, or controuled, by this present act, or repugnant to any of the provisions herein contained; but that all and singular the said former acts, and the bounties thereby granted, and the several rules, regulations, powers and authorities, therein contained or granted, and the pains, penalties, and forfeitures incurred, or thereby inflicted or provided for any breach or non-observance of the same, except as aforesaid, shall remain and continue in the same force and effect as if this act had not been made, any thing herein contained to the contrary notwithstanding.

Not to affect the powers given by any acts for regulating the mode to be observed in fitting out for any fishery, etc.

Exception.

C A P. LXVI.

An act to explain and amend an act, made in the twenty-fourth year of the reign of his present Majesty, intituled, An act for granting to his Majesty certain rates and duties upon bricks and tiles made in Great Britain; and for laying additional duties on bricks and tiles imported into the same.

WHEREAS by an act passed in the last session of parliament, *Preamble.*
(intituled, An act for granting to his Majesty certain rates

Recital of
part of 24
Geo. 3. c. 24.

rates and duties upon bricks and tiles made in *Great Britain*; and for laying additional duties on bricks and tiles imported into the same), it was enacted, That if any person or persons, who should make any bricks or tiles chargeable with the said duties, should remove, carry, or send away, or cause or suffer to be removed, carried, or sent away, any bricks or tiles to the kiln, clamp, or other place for burning, from or out of the field, shed, or other place where they should be first put or placed to dry or harden, after being turned out of the mould, and before the proper officer of excise should have taken an account thereof, and charged the duties thereupon, he, she, or they should forfeit the sum of fifty pounds for every such offence; and that all and every the bricks and tiles so carried away, and being found in the possession of any brickmaker, tilemaker, or other trader or dealer therein, or any person or persons for the use of such brickmaker or tilemaker, or trader, or dealer therein, should be forfeited, and might be seized, or the value thereof: and it was also enacted, That all and every person and persons, making any bricks or tiles as aforesaid, should, from time to time, keep such and so many of the said bricks and tiles, as should not have been surveyed and taken an account of by the proper officers in that behalf, separate and apart from all other bricks and tiles which should have been surveyed and taken an account of by such officers, on pain to forfeit, for every neglect or default therein, the sum of fifty pounds: and whereas the said provisions have been found inconvenient; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-five, the said hereinbefore recited provisions shall be, and the same are hereby repealed.

From Aug. 1,
1785, the re-
cited provi-
sions repealed.

Makers who shall remove bricks or tiles to the kiln before the officer has charged the duties, shall forfeit the same, and also 50l.

II. And be it enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, if any person or persons, who shall make any bricks or tiles chargeable with the said duties by the said act imposed, shall remove, carry, or send away, or cause or suffer to be removed, carried, or sent away, any bricks or tiles to the kiln, clamp, or other place for burning, from or out of the field, shed, or other place where they shall be put or placed to dry or harden, and before the proper officer of excise shall have taken an account thereof, and charged the duties thereupon, he, she, or they shall forfeit the sum of fifty pounds for every such offence; and that all and every the bricks and tiles so carried away, and being found in the possession of any brickmaker, tilemaker, or other trader or dealer therein, or any person or persons for the use of such brickmaker or tilemaker, or trader or dealer therein, shall be forfeited, and may be seized, or the value thereof, and shall and may be recovered, to wit, one moiety to the use of his Majesty, and the other moiety to the seizer or informer.

III. And be it further enacted by the authority aforesaid, That

That all and every person and persons, making any bricks or tiles as aforesaid, shall, from time to time, keep such and so many of the said bricks and tiles, as shall not have been surveyed and charged by the proper officers in that behalf, separate and apart from all other bricks and tiles, which shall have been surveyed and charged by such officers, on pain to forfeit, for every neglect or default therein, the sum of fifty pounds.

IV. And whereas the makers of bricks and tiles do sometimes place their bricks and tiles, while the same are in the operation of drying or hardening, in irregular and unusual rows or positions, on purpose to make it difficult for the officer of excise to take an account of the same; be it enacted by the authority aforesaid, That, from and after the said first day of August, one thousand seven hundred and eighty-five, every maker of bricks or tiles shall, while the bricks or tiles shall be in the operation of drying or hardening, in the field, shed, or other place where the same shall be made or prepared, after being turned out of the mould, place or dispose such bricks and tiles, or cause the same to be placed or disposed, in such manner and form as that the officer of excise who shall survey such bricks may easily and securely take an account thereof; and if any maker of bricks and tiles shall, from and after the said first day of August, one thousand seven hundred and eighty-five, place and dispose, or cause to be placed or disposed, such bricks or tiles, while the same shall be in the operation of drying or hardening, in the field, shed, or other place where the same shall be made or prepared, after being turned out of the moulds, in any irregular and unusual manner, with intent to make it difficult or unsafe for the officer of excise to take an account thereof, every such maker of bricks or tiles shall, for every such offence, forfeit and lose the sum of fifty pounds.

Bricks and tiles not surveyed, etc. by the proper officer, to be kept separate from others.

From Aug. 1, 1785, all bricks, while drying, to be so placed that the officer may easily take an account thereof;

on penalty of 50l.

V. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures inflicted by this act, shall be sued for, recovered, levied, or mitigated by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, levied, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

Penalties and forfeitures how to be recovered and applied.

VI. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing by him or them done in pursuance of this act, or the said act made in the last session of parliament, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county; and the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and

Limitation of actions.

General issue.

and if afterwards a verdict shall pafs for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

Treble costs.

C A P. LXVII.

An act to prohibit the exportation to foreign parts, of tools and utensils made use of in the iron and steel manufactures of this kingdom; and to prevent the seducing of artificers or workmen, employed in those manufactures, to go into parts beyond the seas.

Preamble.

WHEREAS the exportation of the several tools and utensils made use of in preparing, working up, and finishing, the iron and steel manufactures of this kingdom, or either of them, will enable foreigners to work up such manufactures, and thereby greatly diminish the exportation of the same from this kingdom; therefore, for the preserving, as much as possible, to his Majesty's subjects the benefits arising from those great and valuable branches of trade and commerce, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if, at any time after the first day of *August*, one thousand seven hundred and eighty-five, any person or persons in *Great Britain* shall, upon any pretence whatsoever, export, load, or put on board, or pack, or cause or procure to be loaden, put on board, or packed, in order to be loaded or put on board of any ship or vessel which shall be bound to some port or place in parts beyond the seas (except to *Ireland*), or shall lade, or cause or procure to be laden on board any boat or other vessel, or shall bring, or cause to be brought, to any quay, wharf, or other place, in order to be so laden or put on board any such ship or vessel, any tool or utensil hereafter mentioned; that is to say, hand stamps, dog head stamps, pulley stamps, stamps of all sorts, hammers and anvils for stamps, screws for stamps, iron rods for stamps, presses of all sorts, in iron, steel, or other metal, which are used for giving impressions to metal, or any parts of these several articles; presses of all sorts called *Cutting-out Presses*, beds and punches to be used therewith; piercing presses of all sorts, beds and punches to be used therewith, either in parts or pieces, or fitted together; iron or steel dies to be used in stamps or presses either with or without impressions on them; rollers of cast iron, wrought iron, or steel, for rolling of metal, and frames for the same; flasks or casting moulds, and boards used therewith; lathes of all sorts for turning, burnishing, polishing, either the whole together, or separate parts thereof; lathe strings, polishing brushes, scoring or shading engines, presses for horn buttons,

From Aug. 1, 1785, no person to put on board any vessel, for exportation, any tool, etc. in the act specified,

tons, dies for horn buttons, sheers for cutting of metal, rolled steel, rolled metal with silver thereon, parts of buttons not fitted up into buttons, or in an unfinished state; engines for chafing, stocks for casting buckles, buttons, and rings; cast iron anvils and hammers for forging mills for iron and copper; roles, slitters, beds, pillars and frames for slitting mills; die-sinking tools of all sorts, engines for making button shanks, laps of all sorts, drilling engines, tools for pinching of glass, engines for covering of whips, polishing brushes, bars of metal covered with gold or silver, iron or steel screw plates, pins, and stocks for making screws, or any other tool or utensil whatsoever, which now are, is, or at any time or times hereafter shall or may be used in, or proper for the preparing, working, finishing, or completing of the iron or steel manufactures of this kingdom, or either of them, by what name or names soever the same shall be called or known, or any model or plan, or models or plans, of any such tool, utensil, or implement, or any part or parts thereof; the person or persons so offending shall, for every such offence, not only forfeit and lose all such tools or utensils, or parts or parcels thereof, together with the packages, and all other goods packed therewith, if any such there be, and complaint being made, upon the oath of one or more credible witness or witnesses, before any justice or justices of the peace, it shall and may be lawful to and for such justice or justices of the peace to issue his or their warrant or warrants to bring the person or persons so complained of before him or them, or some other of his Majesty's justices of the peace for the same county, city, riding, division, liberty, shire, stewardry, or place; and if, when such person or persons shall be brought before such justice or justices, he, she, or they shall not give such an account of the use or purpose to which such tools, utensils, or implements, and part or parts thereof, and all such model or plan, models or plans, and part or parts thereof, are intended to be appropriated, as shall be satisfactory to the justice or justices before whom he, she, or they shall be brought as aforesaid, then, and in such case, it shall and may be lawful to and for such justice or justices to bind the person or persons so charged to appear at the next assizes, general gaol delivery, or quarter sessions of the peace, for the county, city, riding, division, stewardry, or place, where such offence shall be committed, with reasonable sureties for his, her, or their appearance; and in case such person or persons shall refuse or neglect to give such security, then, and in such case, it shall and may be lawful to and for such justice or justices to commit the person or persons so refusing to the common gaol, or house of correction, there to be kept until the next assizes, or next quarter sessions of the county, city, riding, division, shire, stewardry, or place, where such commitment shall be, and until he, she, or they shall be delivered by due course of law; and in case any such person or persons shall be convicted of any of the offences aforesaid, upon any indictment or information

on penalty of
forfeiture
thereof;

and if the of-
fender shall
not give a
satisfactory
account be-
fore the ma-
gistrate, he
shall be bound
to appear at
the next as-
sises, etc.

or be com-
mitted for
trial.

Penalty on
conviction.

against him, her, or them, at such assizes or quarter sessions of the peace as aforesaid, the person or persons so offending shall, for every such offence, forfeit the sum of two hundred pounds of lawful money of *Great Britain*, and shall also suffer imprisonment, in the common gaol, prison, or house of correction, of the county, city, riding, division, liberty, shire, stewantry, or place, wherein such offender or offenders shall be respectively convicted, for the space of twelve months, without bail or main-prize, and until such forfeiture shall be paid.

II. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, it shall and may be lawful to and for any officer of his Majesty's customs in *Great Britain*, and they are hereby required to seize and secure, in some or one of his Majesty's warehouses, all such tools, utensils, or implements, or part or parts thereof; and all and every such model or plan, models or plans, or part or parts thereof, as such officer shall find or discover to be laid or put on board, or intended to be laid or put on board, of any ship, vessel, or boat, which shall be bound to some port or place in parts beyond the seas, (except to *Ireland*), contrary to the true intent and meaning of this act, together with the packages, and all other goods packed therewith, (if any such there be), and they are hereby indemnified in so doing; and all tools, utensils, and implements, or part or parts thereof, model or plan, models or plans, or part or parts thereof, together with the packages, and other goods packed therewith, so seized and secured as aforesaid, shall, after condemnation thereof in due course of law, be publickly sold to the best bidder, by order of the commissioners of the customs in *Great Britain* respectively; and one moiety of the produce arising by the sale thereof, after deducting the charges of condemnation and sale, shall be to the use of his Majesty, his heirs and successors, and the other moiety to the officer who shall seize and prosecute the same as aforesaid.

From Aug. 1, 1785, officers of the customs to seize all such tools, etc. laid, or intended to be laid, on board any outward bound vessel;

Such goods to be sold.

Penalty on masters of vessels who shall permit any such tools, etc. to be put on board.

III. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, if the captain or master of any ship, vessel, or boat, in *Great Britain*, shall knowingly or designedly permit or suffer any tool, utensil, or implement, or part or parts thereof, or any model or plan, or part or parts thereof, by this act prohibited to be exported as aforesaid, to be put on board his said ship, vessel, or boat, every such captain or master shall, for every such offence, forfeit the sum of two hundred pounds; and if the said ship, vessel, or boat, shall belong to his Majesty, his heirs or successors, then the captain or master thereof shall not only forfeit the sum of two hundred pounds, but shall also forfeit his employment, and be incapable of holding any office or employment under his Majesty, his heirs or successors.

Penalty on officers of customs tak-

IV. And be it further enacted by the authority aforesaid, That if any customer, comptroller, surveyor, searcher, waiter, or

or other officer of the customs in *Great Britain*, shall take, or knowingly or willingly suffer to be taken, any entry outward, or shall sign any coequet, warrant, or sufferance, for the shipping or exporting of any of the said tools, utensils, or implements, or any part or parts thereof, or any of the said models or plans, or any part or parts thereof, by this act prohibited to be exported, or shall knowingly or willingly permit or suffer the same to be done, directly or indirectly, contrary to the true intent and meaning of this act; every such customer, comptroller, surveyor, searcher, waiter, or other officer of the customs of *Great Britain*, shall, for every such offence, forfeit the sum of two hundred pounds, and shall also forfeit his office, and be incapable of holding any office or employment under his Majesty, his heirs or successors.

V. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, if any person or persons hath or have in his, her, or their custody, power, or possession, or shall collect, obtain, make, apply for, or cause or procure to be made, any such tool, utensil, or implement, or any part or parts thereof, or any such model or plan, models or plans, or part or parts thereof as aforesaid, with intent to export, or that the same may be exported out of *Great Britain* to any part or place beyond the seas, (except to *Ireland*), and complaint being made, upon the oath of one or more credible witnesses or witnesses, before any justice or justices of the peace, that there is reason to believe such person or persons hath or have in his, her, or their custody, power, or possession, or hath or have collected, obtained, made, applied for, or caused or procured to be made, any such tool, utensil, or implement, or part or parts thereof, or any such model or plan, or models or plans, or part or parts thereof as aforesaid, with intent to export, or that the same may be exported to some other port or place than *Great Britain* or *Ireland*; then, and in any of the said cases, it shall and may be lawful to and for the said justice or justices of the peace to issue his or their warrant or warrants to seize all such tools, utensils, or implements, or part or parts thereof, and all such models or plans, or part or parts thereof as aforesaid, and to bring the person or persons so complained of before him or them, or some other of his Majesty's justices of the peace, for the same county, city, riding, division, shire, stewardry, or place; and if such person or persons shall not give such an account of the use or purpose to which such tools, utensils, or implements, or part or parts, models or plans, or part or parts thereof, is, are, or were intended to be appropriated, as shall be satisfactory to the justice or justices before whom he, she, or they shall be brought as aforesaid, then, and in such case, it shall and may be lawful to and for such justice or justices to cause all such tools, utensils, or implements, or part or parts thereof, models or plans, or part or parts thereof, which shall have been so seized as aforesaid, to be detained, and also to bind the person or persons so charged

ing any entry outwards, etc. for such tools or utensils.

From Aug. 1, 1785, any person having in possession any such tool, utensil, etc. with intent to export the same, any justice may issue his warrant for seizing thereof, and bringing such person before him;

and if he shall not give a satisfactory account thereof, such tools, etc. may be detained, and the possessor bound over to appear at the next assizes, etc.

or may be committed.

Penalty in case of conviction.

charged to appear at the next assizes, general gaol delivery, or quarter sessions of the peace, for the county, city, riding, division, shire, stewardry, or place, where such offence shall be committed, with reasonable sureties for his, her, or their appearance; and in case such person or persons shall refuse or neglect to give such security, then, and in such case, it shall and may be lawful to and for such justice or justices to commit such person or persons to the county gaol, prison, or house of correction, there to remain until the next assizes, or quarter sessions of the county, city, riding, division, liberty, stewardry, or place, where such commitment shall be, and until he, she, or they shall be delivered by due course of law; and in case any such person or persons shall be convicted, upon any indictment or information against him, her, or them, at such assizes or quarter sessions of the peace as aforesaid, of having in his, her, or their custody, power, or possession, or of having collected, obtained, made, applied for, or caused or procured to be made, any such tool, utensil, or implement, or part or parts thereof, model or plan, or part or parts thereof, with such intent as aforesaid, then, and in such case, the person or persons so convicted shall, for every such offence, forfeit and lose all such tools, utensils, or implements, or part or parts thereof, models or plans, or part or parts thereof, which shall be so seized and detained, and also the sum of two hundred pounds of lawful money of *Great Britain*, and shall suffer imprisonment in the common gaol of the county, city, riding, division, shire, stewardry, or place, wherein such offender or offenders respectively shall be committed, for the space of twelve months, without bail or mainprize, and until such forfeiture shall be paid.

Penalty on persons enticing artificers in the iron or steel manufactures, etc. to leave this kingdom, (except to Ireland):

For first offence, 500l. and twelve months imprisonment;

VI. *And whereas, for the encouraging of such manufactories in this kingdom, it is necessary that provision should be made to prevent artificers, and others employed therein, from departing, or from being seduced to depart out of this kingdom;* be it therefore further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and eighty-five, if any person or persons shall contract with, entice, persuade, or endeavour to seduce or encourage, any artificer or workman concerned or employed, or who shall have worked at, or been employed in the iron or steel manufactures in this kingdom, or in making or preparing any tools or utensils for such manufactory, to go out of *Great Britain* to any parts beyond the seas (except to *Ireland*), and shall be convicted thereof, upon indictment or information in the court of king's bench at *Westminster*, or by indictment at the assizes, or general gaol delivery, or quarter sessions for the county or place wherein such offence shall be committed, or the offender or offenders shall live or reside, or by indictment in the court of judiciary, or any of the circuit courts in *Scotland*, as the case may be; every person so convicted shall, for every artificer so contracted with, enticed, persuaded, encouraged, or seduced, or attempted so to be, forfeit and pay the sum of five hundred pounds of lawful money

money of *Great Britain*, and shall be committed to the common gaol for the county, place, or stewardry, wherein the offender or offenders shall be convicted, there to remain without bail or mainprize for the space of twelve calendar months, and until such forfeiture shall be paid; and in case of a subsequent offence of the same kind, the person or persons so again offending shall, upon the like conviction, forfeit and pay, for every person so contracted with, enticed, persuaded, encouraged or seduced, or attempted so to be, the sum of one thousand pounds of lawful money of *Great Britain*, and shall be committed to the common gaol as aforesaid, there to remain, without bail or mainprize, for and during the term of two years, and until such forfeiture shall be paid.

Second, etc.
1000l. and
two years
imprison-
ment.

VII. Provided always, That no person shall be prosecuted for any of the offences aforesaid, unless such prosecution shall be commenced within the space of twelve calendar months next after such offence shall be committed.

Prosecution
to be com-
menced with-
in 12 months.

VIII. And it is hereby further enacted by the authority aforesaid, That the several penalties and forfeitures, hereinbefore mentioned, shall and may be sued for and recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer, or in the court of session in *Scotland*, in the name of his Majesty's attorney general, or lord advocate, or in the name of some officer or officers of the customs in *Great Britain* respectively, wherein no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and that one moiety of the said penalties and forfeitures shall go and be applied to the use of his Majesty, his heirs and successors, and the other moiety to the use of such officer or officers of the customs as shall sue and prosecute for the same respectively, after deducting the charges of prosecution from the whole.

Penalties and
forfeitures
how to be re-
covered and
applied.

IX. And be it further enacted by the authority aforesaid, That if any suit or action shall be commenced against any person for what he shall do in pursuance of this act, such suit or action shall be commenced within three months next after the fact committed; and the person so sued may file common bail, or enter a common appearance, and plead the general issue not guilty, and may give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or suffer discontinuance, or if a verdict pass against him or her, or if, upon demurrer, judgement shall be given against the plaintiff, the defendant shall recover treble costs.

Limitation of
actions.

General issue.

Treble costs.

C A P. LXVIII.

An act for appointing and enabling commissioners further to examine, take, and state the publick accounts of the kingdom. — The act of 24 Geo. 3. c. 13. and former acts, continued till one year after July 22, 1785, in the same manner as before.

C A P. LXIX.

An act to repeal the duties upon flasks in which Florence wine and oil is imported; to permit the importation of wines in small casks for private use; to revive, continue, and amend so much of an act made in the sixteenth year of his present Majesty, as allows the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in America; for disallowing the drawback on the exportation of snuff; for continuing the permission to land rum or spirits of the British sugar plantations, before payment of the duties of excise; for reviving and continuing the premiums upon the importation of pitch, tar, and turpentine, from East Florida, into Great Britain; for allowing a bounty upon the exportation of silk gauzes, and a drawback upon the exportation of raw silk.

Preamble.
17 Geo. 3.
c. 39.

WHEREAS by an act, passed in the seventeenth year of the reign of his present Majesty, (intituled, An act for granting to his Majesty a duty upon all servants retained or employed in the several capacities therein mentioned; and for repealing several rates and duties upon glass, imposed by an act made in the nineteenth year of the reign of his late Majesty, and for granting to his Majesty other rates and duties upon glass in lieu thereof, and for the better collecting the duties upon glass; and for repealing the several rates and duties charged, by an act made in the twenty-ninth year of the reign of his said late Majesty, upon all persons, and bodies politick and corporate, having certain quantities of silver plate; *it was, amongst other things, enacted, That there should be raised, levied, collected, and paid, unto and for the use of his Majesty, his heirs and successors, the several rates and duties therein expressed, upon all glass imported and brought into the kingdom of Great Britain: and whereas it is expedient to repeal the said recited act, passed in the seventeenth year of his Majesty's reign, so far as the same relates to charging the flasks only, in which wine and oil have been usually imported, with the said duties; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of August, one thousand seven hundred and eighty-five, the said recited act, so far as the same relates to charging duties upon the flasks only in which wine or oil, of the growth of the dominions of the great duke of Tuscany, shall be imported, shall be and is hereby repealed; and the said duties upon such flasks shall cease, determine, and be no longer paid or payable.*

From Aug. 1,
1785, the
duty on flasks,
in which Flo-
rence wine,
etc. is im-
ported, re-
pealed.

Recital of 18
Geo. 3. c. 27.

II. *And whereas by an act of parliament, made in the eighteenth year of the reign of his present Majesty, (intituled, An act for granting to his Majesty several additional duties upon wines and vinegar imported into this kingdom), it was, amongst other things, enacted, That no wines of the growth or produce of any part of the dominions belonging to the crown of Spain or Portugal, and that*

that no French wines should be imported or brought into Great Britain, in any smaller vessel or cask than what is commonly called an Hogshead, in which such wines have been usually imported, upon forfeiture of all such wines as should be imported contrary to the said act, together with the casks and other package containing the same, (except as therein-after was provided): and whereas by the said act it was provided, That any French wines may be imported in bottles, or that any wines may be imported in smaller casks than as therein-before limited, without fraud or concealment, for private use, and not by way of merchandize, any thing in the said act, or any other law, custom, or usage, to the contrary notwithstanding: and whereas, by ^{23 Geo. 3. c.} an act of parliament made in the twenty-third year of the reign of his present Majesty, it was enacted, That the said proviso in the said recited act, so far as the same relates to Portugal or Spanish wines, or any other wines, except French wines, shall be repealed and made void: and whereas it is and may be expedient to permit Spanish and Portugal wines, and other wines, to be imported in small casks and other vessels for private use, under certain restrictions; be it therefore enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-five, in case it shall be made appear, to the satisfaction of the commissioners of his Majesty's customs in England or Scotland respectively, that any Spanish or Portugal wines, or any other wines, shall be imported into Great Britain, without fraud or concealment, in any smaller vessel or cask than what is commonly called an Hogshead, for the private use of the persons so importing the same, and not by way of merchandize, that then, and in every such case, it shall and may be lawful for the said respective commissioners, or any three or more of them, if they think proper, to admit such wine to an entry, and cause the duties to be accepted instead of the forfeiture thereof; any thing in the said last recited act, or any other act, custom, or usage, to the contrary notwithstanding.

From Aug. 1,
1785, wines
may be im-
ported in
small casks
for private
use.

III. And it is hereby further enacted by the authority aforesaid, That so much of an act made in the sixteenth year of the reign of his present Majesty, (intituled, *An act for allowing the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in America, and to the island of Saint Helena, and to the other settlements belonging to the united company of merchants of England trading to the East Indies, and of biscuit and pease to Newfoundland, Nova Scotia, Bay Chaleur, and Labrador; and for indemnifying all persons with respect to advising or carrying into execution his Majesty's orders of council already made for allowing the exportation of wheat, and other articles*), as relates to allowing the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in America, which was to continue in force until the first day of January, one thousand seven hundred and seventy-seven, and which, by several acts, made in the seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth years of the reign of his present Majesty, was continued

So much of
16 Geo. 3. c.
37.

as relates to
the exporta-
tion of wheat,
&c. to the
British sugar
colonies,

revived; and to continue in force until May 1, 1786, &c.

From the passing of this act to May 1, 1786, wheat, &c. may be exported from Lancaster to the sugar colonies.

until the first day of *May*, one thousand seven hundred and eighty-five, shall, from and after the passing of this act, be revived, and the same is hereby revived, and shall continue in full force and effect until the first day of *May*, one thousand seven hundred and eighty-six, and from thence to the end of the then next session of parliament.

IV. And be it further enacted, That, from and after the passing of this act, until the first day of *May*, one thousand seven hundred and eighty-six, and from thence to the end of the then next session of parliament, it shall and may be lawful to ship and export from the port of *Lancaster*, to his Majesty's sugar colonies in *America*, for the sustenance and use of the inhabitants of the said colonies, any quantity of wheat, wheat flour, bread, biscuit, and meal, not exceeding in the whole ten thousand quarters, in like manner, and under the same regulations and restrictions, as if the same had been allowed to be exported by the said recited act of the sixteenth year of his present Majesty's reign.

V. And, for the better preventing of fraudulent practices in the mixing of snuff with other materials, or with other snuff which has been clandestinely imported into this kingdom, and run on shore without payment of duty, and entering the same outwards for exportation, to obtain a drawback of the duties thereon, and privately relanding the same in Great Britain, to the diminution of the publick revenue, and detriment of the fair trader, be it further enacted by the authority aforesaid, That no drawback shall be paid or allowed, for any sort of snuff which, from and after the first day of *August*, one thousand seven hundred and eighty-five, shall be exported, or entered for exportation, from this kingdom, any law, custom, or usage, to the contrary notwithstanding.

No drawback to be allowed for snuff exported after Aug. 1, 1785.

So much of 15 and 16 Geo. 2. c. 25.

as relates to the landing rum, &c. before payment of excise duties, etc.

VI. And be it further enacted by the authority aforesaid, That so much of an act, made in the fifteenth and sixteenth years of the reign of his late majesty King *George* the Second, (intituled, *An act to empower the importers or proprietors of rum or spirits of the British sugar plantations to land the same before payment of the duties of excise charged thereon, and to lodge the same in warehouses at their own expence; and for the relief of Ralph Barrow, in respect to the duty on some rock salt, lost by the overflowing of the rivers Weaver and Dane*), as relates to the landing of rum or spirits of the *British* sugar plantations before payment of the duties of excise, and to the lodging of the same in warehouses at the expence of the importers or proprietors thereof, which was to continue in force from the twenty-ninth day of *September*, one thousand seven hundred and forty-two, to the twenty-ninth day of *September*, one thousand seven hundred and forty-nine, and from thence to the end of the then next session of parliament; and which, by several subsequent acts, of the twenty-third and thirty-first years of the reign of his said late Majesty, and the fourth, eleventh, and nineteenth years of the reign of his present Majesty, was farther continued until the twenty-ninth day of *September*, one thousand seven hundred and eighty-

eighty-five, and from thence to the end of the then next session of parliament, shall be, and the same is hereby farther continued from the expiration thereof, until the twenty-ninth day of *September*, one thousand seven hundred and ninety-two, and from thence to the end of the then next session of parliament.

continued to
Sept. 29, 1792.

VII. Provided always, and it is hereby further declared and enacted, That the proprietor or proprietors, importer or importers, of such rum or spirits of the growth, produce, or manufacture of the *British* sugar plantations, within thirty days next after the master or purser, for that voyage, of the ship or vessel wherein the said rum or spirits of the *British* sugar plantations shall be imported or brought into the kingdom of *Great Britain*, shall have, or ought to have made a just and true entry or report, upon oath, of the burden, contents, and loading of such ship or vessel, in pursuance of the directions of the statute made in the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for preventing frauds, and regulating abuses in his Majesty's customs*, shall make due entry with the officer or collector appointed for the excise, in the port or place where such rum or spirits, as aforesaid, shall be imported, of all such rum or spirits on board of such ship or vessel belonging to such proprietor or proprietors, importer or importers; and shall, within the said thirty days, land the same, and put the same into such warehouse or warehouses, and give such security for the due payment of the duties of excise, as is or are directed by the said act of the fifteenth and sixteenth years of the reign of his said late Majesty, on pain, for every neglect or refusal to make due entry, or to land the same, and put the same into such warehouse or warehouses, and to give such security for the due payment of the duties of excise within the said thirty days, to forfeit all such rum or spirits, with the casks and packages wherein the same shall be contained, belonging to such proprietor or proprietors, importer or importers of the same so neglecting or refusing, which shall and may be seized by any officer or officers of the excise.

Directions relative to entering such rum, and lodging it in warehouses.

VIII. *And whereas by an act, passed in the second year of the reign of his late majesty King George the Second, intituled, An act for the better preservation of his Majesty's woods in America, and for the encouragement of the importation of naval stores from thence; and to encourage the importation of masts, yards, and bowsprits, from that part of Great Britain called Scotland; certain premiums, for the encouragement of the planters in the British plantations in America to send naval stores to Great Britain, were granted upon the importation thereof, for a limited time; which premiums, by several subsequent acts of parliament, were continued to the end of the session of parliament in one thousand seven hundred and eighty-two: and whereas considerable quantities of turpentine, pitch, and tar, have been prepared by the proprietors of plantations and lands in East Florida, for the purpose of importing the same into Great Britain, under an expectation of receiving the like premiums, and some part of such turpentine, pitch, and tar, has been so imported*

Recital of
2 Geo. 2. c. 35.

into Great Britain; but, for want of an act of parliament to further continue the granting such premiums, the importers thereof are not, by law, intitled to, nor can be allowed the same, without the interference of parliament, and other part of such turpentine, pitch and tar, is expected hereafter to arrive: and whereas it is just and expedient that the premiums heretofore granted upon the importation of pitch, tar, and turpentine, from East Florida into Great Britain, should be revived and continued, for a limited time, from the expiration of the session of parliament in one thousand seven hundred and eighty-two: be it therefore enacted by the authority aforesaid, That the several premiums or bounties upon turpentine, pitch, and tar, granted by the said recited act, passed in the second year of the reign of his late Majesty, and continued, by several subsequent acts, to the twenty-fourth day of June, one thousand seven hundred and eighty-one, and from thence to the end of the then next session of parliament, shall be, and the same are hereby revived; and continued, from the said period, to the twenty-fifth day of December, one thousand seven hundred and eighty-five.

The premiums upon the importation of turpentine, etc. from East Florida revived, and continued to Dec. 25, 1785.

IX. *And whereas, by reason of the cession of East Florida to the crown of Spain, several of the civil officers therein, whose duty it was to certify that such naval stores, exported from thence to Great Britain, were of the growth and produce of East Florida, may have removed therefrom, or may have omitted to give the usual certificates, whereby it is impracticable for the planters, or agents of proprietors resident in Great Britain, to obtain such certificates as were formerly required;* be it therefore enacted, That the commissioners of his Majesty's navy shall, and they are hereby authorized and required to allow the said bounties upon the turpentine, pitch, and tar, imported and to be imported as aforesaid, before the said twenty-fifth day of December, one thousand seven hundred and eighty-five; provided the importer or importers shall make oath that, to the best of their knowledge and belief, the turpentine, pitch, and tar, mentioned in their affidavit, were and are of the growth and produce of *East Florida*, and were shipped from thence, and imported into and landed at some port in *Great Britain*, mentioning the time and place when and where the same were so landed.

Clause relative to allowing the bounties.

Penalty on obtaining the bounty for turpentine, etc. not the produce of East Florida.

X. And be it further enacted, That if any person or persons shall have knowingly imported, or shall knowingly import from *East Florida* any turpentine, pitch, or tar, which shall not be of the growth and produce of *East Florida*, and shall thereupon obtain the benefit of this act, such person or persons so offending shall be liable to all the penalties of wilful and corrupt perjury, and be prosecuted by his Majesty's attorney general for the same.

Recital of 24 Geo. 3. c. 49.

XI. *And whereas by an act, made in the last session of parliament, intituled, An act for granting additional duties upon raw and thrown silk imported into Great Britain, and upon lead exported from Great Britain, into parts beyond the seas; and for allowing a drawback upon the exportation of silks, and stuffs mixed with silk; it is enacted, That, over and above the former bounties allowed*

allowed on the exportation of the several articles therein specified, amongst several other articles therein enumerated, there shall be allowed and paid to the exporter thereof, for all ribbons and stuffs of silk, except gauzes, made in Great Britain, the sum of two shillings for every pound weight avoirdupois: and whereas it is expedient, to encourage the silk manufactures in this kingdom, that a bounty should be allowed upon the exportation of silk gauzes into foreign parts; be it therefore enacted, That, from and after the first day of Au-

From Aug. 1, 1785, a bounty to be allowed upon the exportation of silk gauzes;

XII. And it is hereby further enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-five, the same bounty shall be allowed and paid upon the exportation of gauzes made of silk only in Great Britain, as is allowed and paid, by the said recited act, upon the exportation of ribbons and stuffs of silk, in the same manner as if gauzes had not been excepted therein, any thing in the said recited act to the contrary notwithstanding.

and a drawback upon the exportation of raw silk.

XIII. Provided always, and it is hereby further enacted by the authority aforesaid, That the said drawback shall not be paid, in any case, until a certificate shall be produced, to the collector and comptroller of the customs at the port from whence such silk was exported, under the hand and official seal of a British consul residing at the port or place for which such silk was entered for exportation, certifying that such silk was landed there; and in case there shall not be any British consul resident at such place, then upon the like certificate, under the hand and official seal of the chief magistrate for and resident at such place.

The drawback not to be allowed until a proper certificate be produced to the officer.

C A P. LXX.

An act to rectify a mistake in an act, passed in this present session of parliament, intituled, An act to repeal the duties on male servants; and for granting new duties on male and female servants.

WHEREAS by an act, made in this present session of parliament, intituled, An act to repeal the duties on male servants; and for granting new duties on male and female servants, it is enacted, That every person who shall have living in their

Preamble.
Recital of
c. 43. of this
session.

houses two or more lawful children or grand children, under the age of fourteen years, shall, in respect of every two such lawful children or grand children, be exempted from the payment of the duties by the said act imposed for one female servant; that is to say, If any person having two such lawful children or grand children shall have one female servant, and not more, he or she shall be wholly exempted from the duty thereby imposed; if any person having four such lawful children or grand children, shall have two female servants, and not more, he or she shall pay for one female servant, at the same rate as if he or she retained only one female servant, and no more, and so in proportion for any greater number, abating one female servant, and lowering the rate of duty, in the manner therein-before provided, for every two such children or grand children: and whereas it was intended that all persons should be exempted from the payment of the duties by the said act imposed, in respect of one female servant, and no more, for every two lawful children or grand children, living in their houses, under the age of fourteen years; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every person, who shall have living in their houses two or more lawful children or grand children, under the age of fourteen years, shall, in respect of every two such lawful children or grand children, be exempted from the payment of the duties by the said act imposed for one female servant; that is to say, If any person, having two such lawful children or grand children, shall have one female servant, and not more, he or she shall be wholly exempted from the duty thereby imposed; if any person, having two such lawful children or grand children, shall have two female servants, and not more, he or she shall pay for one female servant, at the same rate as if he or she retained only one female servant, and no more, and so in proportion for any greater number, abating one female servant, and lowering the rate of duty in the manner in the said recited act provided, for every two such children or grand children.

Persons having children or grand children, to be exempted payment for one female servant for every two such children, etc.

C A P. LXXI.

An act for extending the time limited, by an act of this session, for delivering in navy, victualling, and transport bills.

Recital of c. 32. of this session. Navy bills, &c. to be taken in until Aug. 31, 1785.

C A P. LXXII.

An act for repealing the duties on linens to be printed, painted, stained, or dyed in Great Britain, imposed by an act made in the last session of parliament, and for granting other duties in lieu thereof; and on cotton stuffs, muslins, fustians, velvets, and velverets, wove in Great Britain, to be printed, stained, painted, or dyed; and upon the importation of linens, cotton stuffs, muslins, fustians, velvets, and velverets, printed, stained, painted, or dyed in foreign parts.

WHEREAS

WHEREAS by an act made in the last session of parliament, Preamble.
 intituled, An act for granting to his Majesty additional ^{24 Geo. 3. c.}
 duties on linens, printed, painted, stained, or dyed in ^{40.} *Great*
Britain; and for granting certain duties on cotton stuffs bleached or dyed in *Great Britain*; and on licences for bleaching or dyeing the same; and upon the importation of stuffs made of, or mixed with cotton, not printed, painted, stained, or dyed in foreign parts), among other things, a duty of three farthings for every yard in length, reckoning yard wide, and after that rate for a greater or lesser quantity, was laid upon all linens wholly made of hemp or flax, to be printed, painted, stained, or dyed in *Great Britain*, (such linens as should be dyed throughout of one colour only always excepted), which said duty was subject to three additional imposts of five pounds per centum each, as in the said act is mentioned; and certain other duties were by the said act granted, which, having been found inconvenient, have been repealed by an act of this present session of parliament, whereby it is become necessary to provide a sufficient fund for the payment of such incumbrances as were by the said act of the last session of parliament charged on those duties: therefore, we, your Majesty's most loyal and dutiful subjects, the commons of *Great Britain* in parliament assembled, think it will be for the advantage of the publick to repeal the herein-before mentioned duties upon linens, wholly made of hemp or flax, to be printed, painted, stained, or dyed in *Great Britain*, and in lieu thereof, and of the said duties repealed by the said act of this present session of parliament, to grant unto your Majesty the several duties herein-after mentioned; and therefore do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *August*, one thousand seven hundred and eighty-five, the said duties upon linens wholly made of hemp or flax, to be printed, painted, stained, or dyed in *Great Britain*, by the said act granted, shall cease and determine, and be no longer paid or payable.

Former duties repealed.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and eighty-five, there shall be raised, levied, collected, and paid, to and for the use of his Majesty, his heirs and successors, for and upon all linens, and stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in *Great Britain*, *British* muslins, and fustians, velvets, velverets, dimities, and other figured stuffs made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, and foreign muslins, which, at any time or times after the first day of *August*, one thousand seven hundred and eighty-five, shall be printed, stained, painted, or dyed in *Great Britain*, (except such calicoes, linens, and fustians, as shall be dyed throughout of one colour only, and except such stuffs whereof the greater part in value shall be woollen), the additional

From Aug. 1, 1785, the following duties to be paid for all linens, mixed stuffs, cotton stuffs, foreign muslins, etc. which shall be printed, etc. in *Great Britain*:

(Exception.)

additional rates and duties herein-after expreffed, over and above all other duties payable for the fame; that is to fay,

For all linens printed, etc. (except thofe dyed throughout of one colour) of greater value than 16d. and not more than 2s. 6d. per yard, — 1d. 2q. per yard: For and upon all linens to be printed, ftained, painted, or dyed, (except fuch linens as fhall be dyed throughout of one colour only), which fhall be of greater value than fixteen-pence, and not of greater value than two fhillings and fixpence by the yard in length, at the ready money price, either in *London*, or at the neareft market town to the place where the fame were manufactured, before they are printed, ftained, painted, or dyed, the fum of one penny halfpenny for every yard fquare, and after that rate for a greater or leffer quantity:

for all fuch linens as aforefaid, worth more than 2s. 6d. per yard, — 3d. per yard: For and upon all linens to be printed, ftained, painted, or dyed, (except as before excepted), which fhall be of greater value than two fhillings and fixpence by the yard in length, at the ready money price, either at *London*, or at the neareft market town to the place where the fame were manufactured, before they are printed, ftained, painted, or dyed, the fum of three-pence for every yard fquare, and after that rate for a greater or leffer quantity:

for all mixed or cotton ftuffs, valued at more than 20d. and not more than 3s. per yard, — 2d. per yard: For and upon all ftuffs made of cotton and other materials mixed, and ftuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, to be printed, ftained, painted, or dyed, (except as before excepted), which fhall be of greater value than twenty-pence, and not of greater value than three fhillings by the yard fquare, at the ready money price, at *London*, or at the neareft market town to the place where the fame were manufactured, before they are printed, ftained, painted, or dyed, the fum of two-pence by the yard fquare, and after that rate for a greater or leffer quantity:

for all mixed or cotton ftuffs, worth more than 3s. per yard, — 4d. per yard: For and upon all ftuffs made of cotton and other materials mixed, and ftuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, to be printed, ftained, painted, or dyed, (except as before excepted), which fhall be of greater value than three fhillings by the yard fquare, at the ready money price, either at *London*, or at the neareft market town to the place where the fame were manufactured, before they are printed, ftained, painted, or dyed, the fum of four-pence by the yard fquare, and after that rate for a greater or leffer quantity:

for all British muflins, worth more than 20d. and not more than 3s. — 2d. per yard: For and upon all muflins made in *Great Britain*, to be printed, ftained, painted, or dyed, (except as before excepted), which fhall be of greater value than twenty-pence, and not of greater value than three fhillings by the yard fquare, at the ready money price, either at *London*, or at the neareft market town to the place where the fame were manufactured, before they are printed, ftained, painted, or dyed, the fum of two-pence for every yard fquare, and after that rate for a greater or leffer quantity:

for all British muflins, worth more For and upon all muflins made in *Great Britain*, to be printed, ftained, painted, or dyed, (except as before excepted), which fhall

shall be of greater value than three shillings by the yard square, than 3s. per yard, — 4d. per yard: either at *London*, or at the nearest market town to the place where the same were manufactured, before they are printed, stained, painted, or dyed, the sum of four-pence by the yard square, and after that rate for a greater or lesser quantity:

For and upon all fustians, velvets, velverets, dimities, and other figured stuffs made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, to be printed, stained, painted, or dyed, (except as before excepted), the sum of three halfpence by the yard square, whatever the price of the same may be, and in that proportion for a greater or lesser quantity:

For and upon all foreign muslins to be printed, stained, painted, or dyed, (except such as shall be dyed throughout of one colour only), which shall be of greater value than twenty-pence, and not of greater value than three shillings by the yard square, at the ready money price, either at *London*, or at the nearest market town to the place where the same shall be presented to the officer appointed to take an account thereof, before they are printed, stained, painted, or dyed, the sum of four-pence for every yard square, and after that rate for a greater or lesser quantity:

For and upon all foreign muslins to be printed, stained, painted, or dyed, (except such as shall be dyed throughout of one colour only), which shall be of greater value than three shillings by the yard square, at the ready money price, either at *London*, or at the nearest market town to the place where the same shall be presented to the officer appointed to take an account thereof, before they are printed, stained, painted, or dyed, the sum of eight-pence by the yard square, and after that rate for a greater or lesser quantity:

III. And be it further enacted by the authority aforesaid, That the said several duties herein-before mentioned shall be subject and liable to the additional duties or imposts of five pounds *per centum*, five pounds *per centum*, and five pounds *per centum* on the produce and amount thereof respectively, in the same manner, and under the same regulations, as the additional duties of five pounds *per centum*, five pounds *per centum*, and five pounds *per centum*, are granted to his Majesty by three several acts of parliament, made in the nineteenth, twenty-first, and twenty-second years of his present Majesty's reign.

IV. And be it further enacted by the authority aforesaid, That the said duties by this act imposed upon all linens, and stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in *Great Britain*, *British* muslins and fustians, velvets, velverets, dimities, and other figured stuffs made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, or upon foreign muslins printed, stained, painted, or dyed, in *Great Britain*, shall, from

For all fustians, velvets, etc. wove in *Great Britain*, 1d. 2q. per yard:
For all foreign muslins to be printed, etc. worth more than 20d. and not more than 3s. per yard, — 4d. per yard:
For all such foreign muslins of greater value than 3s. per yard, — 8d. per yard.
New duties to be subject to the additional imposts of 5 per cent. on the amount thereof, granted by 19 Geo. 3. c. 25; 21 Geo. 3. c. 17.; and 22 Geo. 3. c. 66.
Duties on linens, etc. to be collected and recovered in the same manner as those imposed by

10 Annæ, c.
19;

11 Annæ, c.
9;

and 14 Geo.
3. c. 7^a, etc.

time to time, be raised, levied, afcertained, fecured, collected, answered, and paid, by fuch ways and means, and under fuch management, and under fuch penalties and forfeitures, and with the like difcounts, allowances, exemptions, and drawbacks, and in fuch manner and form (except as herein-after is otherwife excepted), as the duties impofed upon filks, calicoes, linens, and ftuffs, printed, ftained, painted, or dyed, by an act made in the tenth year of the reign of Queen Anne, for laying feveral duties upon fope, paper, chequered and figured linens, and upon certain filks, calicoes, linens, and ftuffs, printed, painted, or ftained, (amongft other things thereby charged), towards raifing the fum of one million eight hundred thoufand pounds, therein mentioned; or by another act, made in the twelfth year of the reign of Queen Anne, for laying additional duties on fope and paper, and upon certain linens, filks, calicoes, and ftuffs, (amongft other things thereby charged), towards raifing the fum of one million four hundred thoufand pounds, therein mentioned; or by another act of parliament, made in the fourteenth year of the reign of his prefent Majefty, for afcertaining the duty on printed, painted, ftained, or dyed ftuffs, wholly made of cotton, and manufactured in Great Britain, and for allowing the ufe and wear thereof, under certain regulations; or by any other act or acts of parliament now in force, relating to the faid duties, or any of them, are to be raised, levied, afcertained, fecured, collected, answered, and paid, fave and except in fuch cafes where it is otherwife provided for by this act.

On or before
Aug. 1, 1785,
ftamps to be
diftributed by
the commif-
fioners for
managing the
duties on li-
nens, etc.

V. And, for the better fecuring the faid duties by this act granted, be it further enacted by the authority aforefaid, That fuch proper ftamps or feals fhall, on or before the firft day of *Auguft*, one thoufand feven hundred and eighty-five, be provided and diftributed by the commiffioners for managing the feveral duties by the faid former acts, and by this act, chargeable on the commodities aforefaid, as may ferve to denote the payment or charging of the feveral duties by this act, and the faid former acts, chargeable on the fame commodities refpectively; and that the faid ftamps or feals, by this act directed to be provided, fhall be ufed and applied accordingly, and fhall and may, from time to time, be renewed or altered, by the faid commiffioners as often as they fhall fee fit to alter the fame.

Provisions of
former acts
for raifing the
duties hereby
enlarged, ex-
tended to this
act.

VI. And be it further enacted by the authority aforefaid, That all the powers, authorities, rules, directions, pains, penalties, and forfeitures, clauses, matters, and things whatfoever, contained in the faid feveral acts of the tenth and twelfth years of the reign of Queen Anne, and the fourteenth year of the reign of his prefent Majefty, for raifing, afcertaining, receiving, levying, recovering, fecuring, and paying, the duties on fuch commodities as are by this act charged with additional duties, touching the ftamps thereby or hereby directed, fhall be continued, praftifed, and put in execution, for raifing, afcertaining, receiving, levying, recovering, fecuring, and paying the additional duties by this act charged upon the fame commodities, and

and all arrearages thereof, as fully and effectually, to all intents and purposes, as if they were at large repeated in this present act.

VII. Provided always, and be it further enacted by the authority aforesaid, That if any person or persons shall, after the first day of *August*, one thousand seven hundred and eighty-five, print, stain, paint, or dye any such linens, or stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in *Great Britain*, *British* muslins or fustians, velvets or velverets, dimities, or other figured stuffs, made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, foreign calicoes, and foreign muslins, without giving or leaving at the next office of excise for the said duties, such notice in writing as by the said act, in the tenth year of the reign of *Queen Anne*, is required, he, she, or they shall, for every neglect by not giving such notice, forfeit the sum of fifty pounds.

Penalty on printing linens, etc. without leaving notice thereof at the next office of excise.

VIII. And be it further enacted, That if any person or persons, who shall print, stain, paint, or dye, any such commodities aforesaid, shall obstruct or hinder any officer for the said duties in the execution of the powers given by this act for ascertaining and securing the said duties, the offender therein, for every such offence, shall forfeit the sum of two hundred pounds.

Penalty on persons obstructing officers in the execution of their duty.

IX. And be it further enacted by the authority aforesaid, That if any printer, stainer, painter, or dyer of any such commodities aforesaid, chargeable by this act, shall begin to print, stain, paint, or dye the same, before the same shall have been measured and marked at both ends thereof by the officer of excise, with a frame mark, denoting the measure thereof, then, and in every such case, the said commodities so printed, stained, painted, or dyed, before being so measured and marked by the officer, shall be forfeited, and the printer, stainer, painter, or dyer, in whose possession the same shall be found, shall forfeit twenty pounds for every piece.

Penalty on printing, etc. before the commodity has been measured and marked by excise officer.

X. And be it further enacted by the authority aforesaid, That no person or persons, who shall print, stain, paint, or dye, any of the commodities aforesaid, chargeable with the said duties by this act, shall remove, carry, or send away, or suffer to be removed, carried, or sent away, any of the commodities aforesaid chargeable by this act, by him, her, or them, printed, stained, painted, or dyed, until such time as the proper officer shall have taken an account of any particular quantity of such commodities aforesaid, so to be carried away, and until every particular piece or parcel, or remnant, of the same respectively, be duly marked at both ends thereof with a stamp or seal, or stamps or seals, denoting the charging the duty as this act directs, on pain of forfeiting the sum of fifty pounds for every such offence; and that all such commodities aforesaid, so carried away, without being marked with a stamp or seal, or stamps or seals, denoting the charging the said duties, and being found in the possession of any draper, or other trader or dealer therein,

Penalty on removing commodities before they are stamped by proper officer.

Such commodities forfeited, if found in the possession of any draper, etc.

or of any perfon for the ufe of fuch draper, trader, or dealer, for fale, fhall be forfeited, and may be feized by any officer of excife.

Penalty on defacing the frame mark.

XI. And be it further enacted by the authority aforefaid, That in cafe any printer, ftainer, painter, or dyer of fuch commodities aforefaid, fhall wilfully cut out, obliterate, or deface, or wilfully fuffer to be cut out, obliterated, or defaced, the frame mark put by the officer on any piece of fuch commodities aforefaid, to denote the meafure thereof, every fuch printer, ftainer, painter, or dyer, fhall forfeit the fum of fifty pounds for every piece on which the faid frame mark fhall be fo wilfully cut out, obliterated, or defaced.

Commodities not furveyed to be kept feperate from thofe furveyed.

XII. And be it further enacted, That every printer, ftainer, painter, and dyer, of fuch commodities aforefaid, fhall, from time to time, keep fo much of the fame commodities as fhall not have been furveyed and taken an account of by the proper officer, feperate and apart from all others of the fame kind which fhall have been furveyed and taken an account of by fuch officer, on pain to forfeit, for every fuch offence, the fum of fifty pounds.

Penalty on concealing commodities with intent to evade the duties.

XIII. And be it enacted by the authority aforefaid, That if any printer, ftainer, painter, or dyer, fhall fraudulently hide or conceal, or caufe to be hid or concealed, any fuch commodities aforefaid, before or after the fame are printed, ftained, painted, or dyed, with intent to deceive his Majefty of his juft duties by this act granted, then, and in every fuch cafe, the party fo offending fhall forfeit the fum of fifty pounds for every fuch offence; and all fuch commodities aforefaid, which fhall be found in any private workhoufe or other place, whereof no notice fhall have been given to the officer of excife, as by the faid act, made in the tenth year of the reign of Queen Anne, is required, fhall be forfeited, and may be feized by any officer of excife.

Penalty on keeping commodities in any place whereof no notice fhall have been given to the officer.

XIV. And be it further enacted by the authority aforefaid, That no printer, ftainer, painter, or dyer, fhall keep any fuch commodities aforefaid, marked with a ftamp or feal, or ftamps or feals, denoting the charging the duties thereon, or unmarked; in any warehouse, room, or place, whereof no notice fhall have been given to the officer of excife, as by the faid act, made in the tenth year of the reign of Queen Anne, is required; and if any fuch commodities aforefaid, ftamped or unftamped, fhall be found in the poffeffion of any printer, ftainer, painter, or dyer, in any warehouse, room, or place, whereof no notice fhall have been given to the officer of excife as aforefaid, then, and in every fuch cafe, the party fo offending fhall forfeit the fum of fifty pounds for every fuch offence; and all the commodities aforefaid, fo found fhall be forfeited, and may be feized by any officer of excife.

Utenfils liable to duties in arrears, and penalties and forfeitures.

XV. And be it further enacted by the authority aforefaid, That all the utenfils and instruments for the printing, ftaining, painting, or dying of any fuch commodities aforefaid, in cuftody of any fuch printer, ftainer, painter, or dyer, as aforefaid, or of any

any person or persons to the use of, or in trust for them, or any of them, shall be liable to, and are hereby made chargeable with, all the debts and duties in arrear and owing by such printer, stainer, painter, or dyer, for any such commodities aforesaid, printed, stained, painted, or dyed by him or them, or in his or their workhouse or places aforesaid; and shall be also subject to all penalties and forfeitures incurred by such person or persons so using such workhouse or other place, for any offence against this act relating to the duties on such commodities aforesaid, so printed, stained, painted, or dyed; and it shall and may be lawful, in all such cases, to levy debts and penalties, and use such proceedings, as may lawfully be done by this act, in relation to such commodities, in case the debtor or offender were the true and lawful owner of the same.

XVI. *And, for the better ascertaining, charging, collecting, levying, raising, and securing the several duties by this act imposed upon all linens, and stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in Great Britain, British muslins and fustians, velvets, velverets, dimities, and other figured stuffs, made of cotton and other materials mixed, or wholly made of cotton wool, wove in Great Britain, and upon foreign muslins, printed, stained, painted, or dyed in Great Britain, and for preventing frauds concerning the same;* be it further enacted by the authority aforesaid, That such of the said duties as are chargeable upon such commodities printed, stained, painted, or dyed in *England* and *Wales*, or *Berwick upon Tweed*, shall be under the management of the commissioners and officers of excise in *England* for the time being; and such of the said duties as are chargeable upon such commodities printed, stained, painted, or dyed in *Scotland*, shall be under the management of the commissioners and officers of excise in *Scotland* for the time being.

Duties to be under the management of the commissioners of excise.

XVII. And be it further enacted by the authority aforesaid, That the respective commissioners of excise shall, on or before the first day of *August*, one thousand seven hundred and eighty-five, provide proper frames to denote the measure of such commodities aforesaid, and proper stamps or seals to denote the charging the duties thereon, and shall cause the said respective frames, stamps, and seals, to be distributed to the respective officers for the several purposes before mentioned; which officers are hereby enjoined and required, in using the same, to do no hurt or damage, or the least damage that may be to the commodities to be so marked or stamped; and the said stamps, or any of them, may be altered or renewed from time to time as the said respective commissioners shall from time to time think fit: and if any person or persons whatsoever shall, at any time or times hereafter, counterfeit or forge any stamp or seal to resemble any stamp or seal which shall be provided, in pursuance of this act, to denote the charging the duties on the said linens, stuffs made of cotton mixed with other materials, stuffs wholly made of cotton wool, wove in *Great Britain*, *British* muslins and fustians, velvets, velverets, dimities, and other figured stuffs,

On or before Aug. 1, 1785, commissioners to provide frame-marks to denote the measure, and stamps to denote the duties.

Persons fraudulently counterfeiting stamps,

to fuffer death
as felons.

Penalty on
perfonfelling
commodities
with a coun-
terfeit ftamp.

If ftuffs are
fufpected to be
in the cuftody
of a draper,
&c. unftamp-
ed, the com-
miffioners,
&c. may iffue
their warrants
to fearch for
the fame, and
if found, are
forfeited.

made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, foreign calicoes, or foreign muflins, printed, ftained, painted, or dyed in *Great Britain*, or fhall counterfeit' or relemble the impreffion of the fame upon any of the faid goods chargeable by this act, thereby to defraud his Majefty, his heirs or fucceffors, of the faid duty hereby granted; then every perfon fo offending, being thereof convicted in due form of law, fhall be adjudged a felon, and fhall fuffer death as in cafes of felony, without benefit of clergy: and if any perfon or perfons fhall, at any time or times hereafter, fell any fuch commodities aforefaid with a counterfeit ftamp thereon, knowing the fame to be counterfeited, and with an intent to defraud his Majefty, his heirs and fucceffors, all and every fuch offender and offenders, their aiders, abettors, and affiftants, being duly convicted as aforefaid, fhall, for every fuch offence, forfeit and lofe the fum of one hundred pounds, and fhall be adjudged to ftand in the pillory in fome publick place for the fpace of two hours.

XVIII. And be it further enacted by the authority aforefaid, That at any time or times, upon oath made by any credible perfon or perfons, that he, ſhe, or they have reafon to fufpect or believe that any fuch linens, or ftuffs made of cotton mixed with other materials, or ftuffs wholly made of cotton wool, wove in *Great Britain*, or *British* muflins, or fuffians, velvets, velverets, dimities, or other figured ftuffs, made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, or foreign calicoes, foreign muflins called *Coffaes*, or other foreign muflins, printed, ftained, painted, or dyed in *Great Britain*, for which a duty ought to have been paid or charged by this act, or which ought to have been ftamped as by this act is directed, are or fhall be in the cuftody or poffeffion of any draper, or other perfon or perfons trading or dealing therein, or of any perfon or perfons for the ufe or account of fuch draper, or other trader or dealer, for fale, without having thereupon fuch ftamps or feals as are by this act required to denote the payment or charging the faid duties thereupon; it fhall and may be lawful for the refpective commiffioners of excife, or any two of them, within their refpective limits, or for any two juftices of the peace in any other parts in *Great Britain*, from time to time to iffue their refpective warrants or orders, thereby authorizing and requiring any officer or officers of excife, with the affiftance of a conftable, or other officer of the peace, in the day-time, to fearch for the fame, and to open doors, chefts, trunks, and packages, and to feize fuch linens, or ftuffs made of cotton mixed with other materials, or ftuffs wholly made of cotton wool, wove in *Great Britain*, or *British* muflins, or fuffians, velvets, velverets, dimities, or other figured ftuffs, made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, or foreign calicoes, or foreign muflins; called *Coffaes*, or other foreign muflins, printed, ftained, painted, or dyed in *Great Britain*, and to bring them

them to the excife office next to the place where they fhall be feized, and that every fuch warrant fhall be obeyed and executed accordingly; and fuch commodities aforefaid, fo found unftamped in the poffeffion of fuch draper, trader, or dealer, for fale, or other perfon for the ufe of fuch draper, trader, or dealer, for fale, fhall be forfeited.

XIX. And be it further enacted by the authority aforefaid, That all ftuffs wholly made of cotton wool, commonly called or known by the name of *Calicoes*, that have not three blue threads in each felvage, as directed by an act made in the fourteenth year of his prefent Majesty's reign, (intituled, *An act for afcertaining the duty on printed, painted, ftained, or dyed ftuffs, wholly made of cotton, and manufactured in Great Britain, and for allowing the ufe and wear thereof, under certain regulations.*) fhall be deemed to be foreign calicoes, and on their being printed, ftained, painted, or dyed in *Great Britain*, fhall be ftamped, marked, or fealed at both the ends of each piece or remnant, with a ftamp, mark, or feal, containing the following words; *videlicet, Foreign Calicoes for Exportation*; and every draper, trader, or dealer for fale, having in his, her, or their cuftody or poffeffion any fuch foreign calicoes, printed, ftained, painted, or dyed, (except dyed throughout of one colour only,) and not being ftamped or fealed at both ends of each piece, as directed by this act, (except fuch as have been printed, ftained, painted, or dyed, before the commencement of this act, and have been ftamped or fealed at one end thereof;) or having in his, her, or their cuftody or poffeffion, any piece of ftuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, (muflins, neckcloths, and fufians excepted,) not having the blue threads in the felvages, as required by the faid act of the fourteenth year of his prefent Majesty's reign, fhall not only forfeit and lofe the faid goods, or the value thereof, but fhall likewife forfeit and lofe the fum of two hundred pounds for every piece of fuch goods found in his cuftody or poffeffion as aforefaid.

XX. And be it further enacted, That the owner or printer of any piece, or remnant of a piece, of any coffae, or foreign muflins, and foreign calicoes, fhall, before the fame are prefented to the officer appointed to take an account thereof, mark the fame at both ends with a frame or mark, containing in words at length his name and place of abode, and alfo the name of the goods which they are commonly called or known by, on pain to forfeit the faid goods, and the fum of ten pounds for every piece or remnant of fuch goods that fhall be printed, ftained, painted, or dyed, (except thofe that are dyed throughout of one colour only,) without being fo marked.

XXI. And be it further enacted, That the owner or printer of any piece or remnant of linens, or ftuffs made of cotton mixed with other materials, or ftuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, or muflins plain, chequered, ftriped, figured, or ornamented,

Cotton ftuffs not having three blue threads in each felvage, to be deemed foreign calicoes.
14 Geo. 3. c. 72.

How fuch ftuffs are to be ftamped.
Penalty on drapers, etc. having in their poffeffion fuch foreign calicoes unftamped, etc.
or ftuffs called British Manufactory, without the blue threads in the felvages.

Every piece of ftuff to be marked before printed, etc.

Penalty on neglect.

Name and place of abode of the owner, and name and quality of the goods, to be

marked on
stuffs liable to
the duty of
2d. 2q. per
yard;

and the ready
money price
to be marked
on goods call-
ed British Ma-
nufactory, be-
fore presented
to the excise
officer.

Owner to de-
liver to the
printer, etc.
with the
stuffs, etc. an
account of
the number,
quality, and
value of the
pieces deliver-
ed, which is
to be given to
the excise of-
ficer before
printing, etc.
Penalty on
neglect of the
above menti-
oned regula-
tions.

mented, that shall be wove in *Great Britain*, except fustians, velvets, velerets, dimities, and other figured stuffs made of cotton and other materials mixed, or wholly made of cotton wool, wove in *Great Britain*, which are by this act made subject to a duty of one penny halfpenny *per yard square*, shall mark the same at both ends of every piece or remnant, with a frame or mark, containing in words at length his or her name and place of abode, the name and quality of the goods, and the linen and stuffs made of cotton and other materials mixed, and stuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, with the ready money price or value thereof; (that is to say,) if linens, whether the price is more than sixteen-pence, or more than two shillings and sixpence by the yard in length, or if stuffs made of cotton and other materials mixed, or stuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, or *British muslins*, whether the ready money price or value thereof be more than twenty-pence, and not more than three shillings, by the yard square, or whether the ready money price or value thereof be more than three shillings by the yard square before the same shall be presented to the officer appointed to take an account thereof, to be printed, stained, painted, or dyed; and in case the owner is not the printer, stainer, painter, or dyer, then he shall deliver a note in writing with the said linens or stuffs to the printer, stainer, painter, or dyer, expressing the number of pieces, their quality and value as aforesaid, and the time when delivered to the printer, stainer, painter, or dyer; which note the said printer, stainer, painter, or dyer, shall deliver to the officer who is to take an account of the said linens and stuffs, before the same shall be printed, stained, painted, or dyed, (except those that are to be dyed throughout of one colour only,) on pain that every piece or remnant of such linens or stuffs, not so marked as aforesaid, shall be forfeited, and may be seized by any officer of excise, and the owner, or other person putting out or sending such piece not so marked, shall forfeit and lose the sum of twenty pounds; and that every printer, stainer, painter, or dyer, being the owner, who shall print, stain, paint, or dye, any of the said linens or stuffs, (except such as shall be dyed throughout of one colour only,) shall, before he begins to print, stain, paint, or dye the same, mark each piece, or remnant of a piece, at both ends thereof, with a frame or mark, containing in words at length his or her name and place of abode, and also the name of the goods which they are commonly called and known by, with the ready money price or value thereof; (that is to say,) if linens, whether the price is more than sixteen-pence, or more than two shillings and sixpence by the yard in length, or if stuffs made of cotton and other materials mixed, or stuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, or *British muslins*, whether the ready money price or value thereof be more

more than twenty-pence, and not more than three shillings, by the yard square, or whether the ready money price or value thereof be more than three shillings by the yard square, before he begins to print, stain, paint, or dye the same, (except those that are dyed throughout of one colour only,) on pain to forfeit the sum of twenty pounds for every neglect, and also the said linens and stuffs not so marked as aforesaid shall be forfeited, and may be seized by any officer of excise; and in case such owner, or other person so putting out or sending any such linens or stuffs to be printed, stained, painted, or dyed, as aforesaid, or any such printer, stainer, painter, or dyer, shall mark any piece or remnant of such linens or stuffs at a price less than the real value, or ready money price, as herein-before directed, every such piece or remnant shall be forfeited, and may be seized by any officer of excise, and the owner thereof shall forfeit the sum of twenty pounds for every such offence.

Penalty on marking stuffs at a price less than the real value.

XXII. *And whereas it may happen in the printing, staining, painting, or dyeing the commodities aforesaid, that the frame-marks, set thereupon by the officer of excise to denote the measure thereof, may unavoidably become obliterated or defaced,* be it enacted by the authority aforesaid, That when the said frame-marks shall become obliterated or defaced, the printer, stainer, painter, or dyer, who shall print, stain, paint, or dye the said commodities, shall give notice thereof to the officer of excise, under whose survey he is, and require the said officer to renew the said frame-mark, who shall renew the same accordingly.

Frame marks unavoidably defaced may be renewed upon notice being given to the excise officer.

XXIII. And be it further enacted by the authority aforesaid, That if any person whatsoever shall, at any time or times hereafter, counterfeit or forge any frame-mark, to denote the measure of any such commodities, directed to be marked by this act, with intent to defraud his Majesty, his heirs or successors, of the duties to be charged thereon, every person so offending shall, for every such offence, forfeit and lose the sum of one hundred pounds,

Penalty on counterfeiting the frame-mark.

XXIV. And be it further enacted by the authority aforesaid, That all the powers, authorities, rules, directions, pains, penalties, and forfeitures, clauses, matters, and things in this act contained, shall extend to all silks, calicoes, linens, and stuffs, of what kind soever, or stuffs wholly made of cotton wool, wove in *Great Britain*, commonly called *British Manufactory*, printed, stained, painted, or dyed in *Great Britain*, and shall be practised and put in execution for raising, ascertaining, receiving, levying, recovering, securing, and paying the duties imposed upon all silks, calicoes, linens, and stuffs of what kind soever, or stuffs wholly made of cotton, printed, stained, painted, or dyed in *Great Britain*, by the said acts made in the tenth and twelfth years of the reign of *Queen Anne*, and in the fourteenth year of the reign of his present Majesty, or by any of them.

Provisions of this act shall extend to the duties imposed upon silks, etc. by 10 Anne, c. 19. 12 Anne, c. 9. and 14 Geo. 3. c. 72.

XXV. *And whereas the duties imposed by the said act, made in*

the last feflion of parliament, upon fluffs made of cotton and linen mixed, and fluffs wholly made of cotton wool, wove in Great Britain, and bleached or dyed in Great Britain, have been paid for divers quantities of fuch fluffs which may hereafter be printed, ftained, painted, or dyed in Great Britain, and thereby become chargeable with the duties by this act impofed upon fuch fluffs to be printed, ftained, painted, or dyed in Great Britain, and it is reasonable that, upon payment of the duties by this act impofed upon fuch fluffs, when printed, ftained, painted, or dyed, an allowance fhould be made for the duties before paid in purfuance of the faid act, made in the laft feflion of parliament, for the fame fluffs when bleached or dyed; be

it therefore enacted by the authority aforefaid, That it fhall be lawful for any printer, ftainer, painter, or dyer of fuch fluffs, as aforefaid, who, after the firft day of *Auguft*, one thoufand feven hundred and eighty-five, fhall print, ftain, paint, or dye any of the faid fluffs, made of cotton and linen mixed, or fluffs wholly made of cotton wool, wove in *Great Britain*, that fhall have been charged with the duties impofed by the faid act, on their being bleached, and fhall have the mark or feal thereon, denoting the faid duties to have been charged, and alfo the frame-marks thereon, or for the owner of the fame fluffs, when the duties by this act granted fhall be charged upon the fame fluffs, on their being printed, ftained, painted, or dyed, to make application to any two or more commissioners of excife in *England* or *Scotland* refpectively, if fuch fluffs, or fluffs made of cotton as aforefaid, fhall be printed, ftained, painted, or dyed within the limits of the chief office of excife in *London* or *Edinburgh* refpectively, or in other places in *Great Britain*, to any two or more juftices of the peace within whofe jurifdiction fuch fluffs, or fluffs made of cotton as aforefaid, fhall be printed, ftained, painted or dyed, for a drawback or allowance of the duties before paid upon the bleaching the fame fluffs refpectively, upon the terms, and in the manner herein-after mentioned; that is to fay, fuch printer, ftainer, painter, or dyer, or fuch owner, after having given twelve hours notice, in writing, to the officer appointed by the commissioners for that purpofe, fhall produce to the faid officer every piece of fuch fluffs, or fluffs made of cotton as aforefaid, and fhew to fuch officer the ftamps or feals, denoting the charging the duties upon the bleaching thereof, at both ends thereof, and alfo the frame-marks at both ends thereof; and the faid officer fhall take off the fame feals or ftamps, and the frame-marks, from both ends of every fuch piece, and thereupon fuch officer fhall give the faid printer, ftainer, painter, or dyer, or fuch owner, a certificate, without fee or reward, or other charge, except fuch ftamp duties as may be required by law, expreffing the quantities and kinds of fuch fluffs, or fluffs made of cotton as aforefaid, and that the ftamps or feals, denoting the faid duties to have been charged, and the frame-marks, were upon fuch pieces when the fame were produced to him, and

A drawback of the duties paid under the act of laft feflion on goods chargeable with new duties, to be obtained upon application in the manner here-in prefcribed.

that he had taken off such stamps or seals, and frame-marks, and that the duties by this act chargeable had been charged upon the same.

XXVI. Provided always, That every such printer, stainer, painter, or dyer, or such owner as aforesaid, who shall apply for an allowance of the said duties paid upon the bleaching the said stuffs, or stuffs made of cotton as aforesaid, shall give notice, in writing, of his intention to apply for the same, unto the collector or supervisor of excise of the district within which such application shall be made, fourteen days before such application, to the commissioners of excise, or justices of the peace respectively, in order that such collector or supervisor may attend, if he thinks fit, to shew unto the commissioners or justices respectively any reason against the making such allowances; and such printer, stainer, painter, or dyer, or his chief workman, or such owner as aforesaid, shall make oath (or, being a Quaker, affirmation) before the commissioners or justices respectively, that he verily believes that the said duties upon bleaching such stuffs, or stuffs made of cotton as aforesaid, have been paid, and that the duties by this act imposed upon the printing, staining, painting, or dyeing the same stuffs, or stuffs made of cotton respectively, have been charged thereupon, and that such notice as aforesaid had been given to the said officer to take off the stamps or seals, and frame-marks, and also such notice as aforesaid given to the collector or supervisor of the application being intended to be made; which oath or affirmation such commissioners or justices are hereby authorized and required to administer; and thereupon it shall be lawful for the said two or more commissioners of excise, or two or more justices respectively, being satisfied of the truth thereof, and no sufficient reason being shewn to them to the contrary, upon such certificate as aforesaid, from the officer appointed to examine the said goods, being produced to them, to order the collector of the duties by this act granted, to pay out of the money in his hands arising by the said duties, unto such printer, stainer, painter, or dyer, or such owner, so much money as the duties paid upon the bleaching the same stuffs, or stuffs made of cotton as aforesaid, amount unto; and if the said collector shall not have money sufficient in his hands to pay the same, the commissioners shall cause the same to be paid out of any monies arising by the said duties by this act granted.

XXVII. And be it further enacted by the authority aforesaid, That it shall be lawful for any person or persons who shall have paid all his Majesty's duties by this or any former act payable for any such linens, or stuffs made of cotton mixed with other materials, or stuffs wholly made of cotton wool, wove in *Great Britain*, *British* muslins, and fustians, velvets, velverets, dimities, and other figured stuffs made of cotton and other materials mixed, or made of cotton wool, wove in *Great Britain*, or foreign calicoes, or foreign muslins, or coltsaes, printed, stained, painted, or dyed in *Great Britain*, or for any person or persons

Persons applying for an allowance of duties paid under former act, to give previous notice to the collector or supervisor of excise.

Oath to be made of the duties having been paid, &c.

Commissioners, &c. authorized to administer the oath,

and to order repayment of the duties

Persons who have paid or have bought of those who have paid, the duties, may export linens, &c. to foreign parts.

persons who shall buy or be lawfully intitled to any such commodities aforefaid, printed, stained, painted, or dyed in *Great Britain*, from the person or persons who actually paid his Majesty's faid duties, to export from any lawful quays, and in the lawful hours, any such commodities aforefaid, for which all the duties shall have been paid, to any foreign parts by way of merchandize, upon the terms, and according to the directions herein-after mentioned; that is to fay, the person or persons, fo intending to export any such commodities aforefaid, shall give twelve hours notice in writing within the limits of the chief office of excife in *London*, and twenty-four hours notice in writing in other places in *Great Britain*, of his intention to pack up in order to be exported any such commodities, and of the time and place when and where he will pack up the fame, to the officer or officers of excife who shall be appointed for that purpose by the respective commissioners of excife in *England* or *Scotland*; and such officer or officers shall take care to measure the faid goods, and to fee that the seals or stamps, denoting the payment of the duties upon such goods, and also the frame-marks upon the fame, be taken off from both ends of every piece so intended to be exported, (except as herein-after is excepted;) and every such piece shall be packed up in the presence of such officer or officers, who shall take an account of the kinds and quantities of the commodities aforefaid so intended to be exported, and make a return thereof to the officer who shall be appointed by such commissioners to receive the fame at the port of exportation, without any fee or reward for so doing.

Terms of exportation.

No linsens, etc. to be packed up for exportation but under the limitations herein prescribed;

and security to be given for their exportation.

XXVIII. Provided always, That the faid officer or officers shall not permit to be packed up in order to be exported, and shall not take off such seals or stamps, denoting that the faid duties have been paid or charged, from any piece of such commodities aforefaid not having the frame-mark, denoting the measure thereof, distinct and plain at both ends thereof, and not obliterated or defaced, (except as herein-after is excepted,) which frame-mark shall be cut off at the same time as the stamps or seals denoting the payment of the duties; and the person or persons, so intending to export such goods, shall also give six hours notice in writing of the time and place of shipping such goods unto the officer of excife of the place where the fame shall be shipped, who shall attend and see the fame put on ship-board; and the exporter of the faid goods shall also, before the shipping the fame, give sufficient security, to be approved of by the commissioners of excife, or the person by them appointed for that purpose, in treble the value of the duty intended to be drawn back, that the particular commodities aforefaid, so intended to be exported, and every part thereof, shall be shipped and exported, and shall not be unshipped, unladed, or laid on land, or put on board any other ship or vessel within *Great Britain*, (shipwreck, and other unavoidable accidents, excepted;) which security the officer of excife of the port

port where the said goods shall be exported, is hereby directed to take in his Majesty's name, and to his Majesty's use; and the said exporter, or his clerk or manager, shall make oath (or affirmation, if a Quaker) that he believes the duties upon such goods had been paid, and that such goods are the same that are described in the account sent as aforesaid by the officer in whose presence the same were packed, to the officer attending the shipping, (which oath or affirmation the surveyor, or other officer appointed by the commissioners for that purpose, is hereby authorized and required to administer;) and the said surveyor or supervisor, or other officer aforesaid, and the officer who attended the shipping the said goods, being satisfied of the truth thereof, shall, within one month after the exportation of the said goods, give to the said exporter, or his clerk or manager, a certificate or debenture expressing the quantities and kinds of such goods so shipped, and that all the duties are paid for the same, and that security hath been given before the shipping the same for the due exporting the same; and such certificate or debenture being produced to the collector of the port where the same goods are exported, he shall forthwith pay or allow to the persons so exporting the same, or their agents, a drawback or allowance of all the duties before paid for such goods so exported; and if such collector shall not have money in his hands to pay the same, then the respective commissioners of excise in *Great Britain* are required to pay the said drawback or allowance out of the duties upon linens or stuffs printed, stained, painted, or dyed, in *Great Britain*, arising by this or either of the said former acts.

Oath to be made that the duties have been paid, etc.

Drawback allowed on exportation.

XXIX. Provided always, That it shall be lawful for the officer attending the shipping such commodities aforesaid (if he shall think it necessary) to open or examine such goods at the port of exportation, in order that he may be satisfied that they are the same that are described in the account sent to him by the officer in whose presence the goods were packed.

Goods may be opened at the port of exportation by the proper officer.

XXX. Provided always, That if, after the shipping of any such commodities aforesaid, and the giving or tendering such security as aforesaid in order to obtain an allowance or drawback of the duties charged thereupon, the same commodities, or any part thereof, shall be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, (shipwreck, and other unavoidable accidents, excepted,) that then, and in every such case, over and above the penalty of the bond, which shall be levied and recovered to his Majesty's use, all the said commodities aforesaid, which shall be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, (except as before excepted,) or the value thereof, shall be forfeited.

Penalty on unshipping goods in *Great Britain* which have been shipped for exportation.

XXXI. Provided nevertheless, That the exporter of such commodities as aforesaid, as shall have been printed, stained, painted, or dyed, before the said first day of *August*, one thousand seven hundred and eighty-five, and shall have been marked

Exporters of linens, etc. printed, etc. before Aug. 1, 1785, en-

with

titled to drawback, though the goods are marked at one end of the piece only.

with a stamp or seal, or stamps or seals, denoting the charging the former duties thereon, at one end of each piece only, shall, upon the exportation thereof, be intitled to a drawback of the said former duties paid thereupon, upon the terms, and according to the directions herein-before mentioned, notwithstanding such commodities aforesaid are marked or stamped at one end of each piece only, such exporter making proof, to the satisfaction of the officer who shall see the said goods packed up, that the same were printed, stained, painted, or dyed, before the said first day of *August*, one thousand seven hundred and eighty-five, who shall certify that such proof has been made in the account of the said goods, which he is herein-before directed to return to the officer to be appointed by the said commissioners to receive the same, at the port of exportation.

Duties to be paid into the exchequer separate from all others.

XXXII. And be it further enacted by the authority aforesaid, That all the monies arising by the duties by this act granted shall, from time to time, be paid into the receipt of his Majesty's exchequer, separate and apart from all other duties, and shall be applied to the same uses and purposes as the duties by this act, and the said other act of this present session of parliament repealed, were applicable unto.

All the powers, penalties, etc. contained in 12 Car. 2. c. 24. or any other law relating to excise duties, for collecting and recovering the duties thereby granted, shall be applied in executing this act.

XXXIII. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, and forfeitures, clauses, matters, and things, which in and by an act, made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in Capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise, or inland duties under the management of the commissioners of excise, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating, or recovering, adjudging, or ascertaining the duties or penalties thereby granted, and for preventing, detecting, and punishing frauds relating thereto, (other than in such cases for which other penalties or provisions are prescribed by this act,) shall be exercised, practised, applied, and put in execution in and for the managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering, and paying the several duties hereby granted, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters, and things, were particularly repeated, and again enacted in this present act.

Penalties and forfeitures how to be recovered and applied.

XXXIV. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, respecting the inland duties imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, levied, or mitigated, by any law or laws of excise, or by

action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

XXXV. And it is hereby further enacted by the authority aforesaid, That the several duties which were imposed by the herein-before recited act, made in the last session of parliament, upon all stuffs made of or mixed with cotton, not printed, painted, stained, or dyed in foreign parts, which should be imported or brought into this kingdom, shall, from and after the said first day of *August*, one thousand seven hundred and eighty-five, cease, determine, and be no longer paid and payable; and in lieu and in stead thereof, there shall be raised, levied, collected, and paid, to and for the use of his Majesty, his heirs and successors, for and upon the several goods herein-after enumerated, which, from and after the said first day of *August*, one thousand seven hundred and eighty-five, shall be imported or brought into this kingdom from foreign parts, over and above all customs, subsidies, and duties, already imposed thereon, the several and respective duties herein-after mentioned; that is to say,

From Aug. 1, 1785, the old duties on stuffs, etc. imported to cease, and the following to take place in lieu thereof, viz.

For and upon all linens, printed, stained, painted, or dyed in foreign parts (except such linens as shall be dyed throughout of one colour only, and except also such linens as are prohibited to be used or worn in *Great Britain*,) which shall be of greater value than sixteen-pence, and not of greater value than two shillings and sixpence the yard in length, there shall be paid the sum of one penny halfpenny by the yard square :

more than 2s. 6d. per yard,—1d. 2q.

And for and upon all such linens (except as before excepted) which shall be of greater value than two shillings and sixpence by the yard in length, there shall be paid the sum of three-pence by the yard square :

For and upon all stuffs made of cotton and other materials mixed, and all stuffs wholly made of cotton wool, printed, stained, painted, or dyed in foreign parts (except as before excepted,) which shall be of greater value than twenty-pence, and not of greater value than three shillings by the yard square, there shall be paid the sum of two-pence by the yard square :

And for and upon all such stuffs made of cotton and other materials mixed, and stuffs wholly made of cotton wool (except as before excepted,) which shall be of greater value than three shillings by the yard square, there shall be paid the sum of four-pence by the yard square :

For and upon all muslins printed, stained, painted, or dyed in foreign parts (except as before excepted,) which shall be of greater value than twenty-pence, and not of greater value than

For all linens printed, etc. in foreign parts, (except those dyed throughout of one colour, etc.) above 16d. and not per yard:

for all such linens worth more than 2s. 6d. per yard, 3d. per yard: for all cotton or mixed stuffs, printed, etc. in foreign parts, from 2od. to 3s. 2d. per yard:

for all such stuffs, worth more than 3s. per yard, 4d. per yard:

for all muslins printed, etc. in foreign parts from 2od. to 3s. per yard, 2d. per yard:

three shillings by the yard square, there shall be paid the sum of two-pence by the yard square :

for all such muslins worth more than 3s. per yard, 4d. per yard :

for all fustians, etc. printed, etc. in foreign parts, 1d. 2q. per yard.

Duties liable to the additional imposts of 5l. per cent. on the amount thereof, as granted by 19 Geo. 3. c. 25, and 22 Geo. 3. c. 66.

And for and upon all such muslins (except as before excepted,) which shall be of greater value than three shillings by the yard square, there shall be paid the sum of four-pence by the yard square :

And for and upon all fustians, velvets, veverets, dimities, and other figured stuffs, made of cotton and other materials mixed, or made wholly of cotton wool, printed, stained, painted, or dyed in foreign parts, (except as before excepted,) there shall be paid the sum of one penny halfpenny by the yard square, and in the like proportion for any greater or less quantity of such goods respectively : and the said duties shall also be subject and liable to the additional duties or imposts of five pounds *per centum*, and five pounds *per centum*, on the produce and amount thereof respectively, in the same manner, and under the same regulations, as the additional duties of five pounds *per centum*, and five pounds *per centum*, are granted to his Majesty by two several acts of parliament made in the nineteenth and twenty-second years of his Majesty's reign.

Duties on importation of foreign linens to be under the management of commissioners of customs, and drawback to be allowed as former drawbacks.

XXXVI. And it is hereby further enacted by the authority aforesaid, That the said duties herein-before granted upon the importation of such foreign linens, cottons, muslins, fustians, velvets, veverets, dimities, and figured stuffs, shall be under the management and direction of the commissioners of his Majesty's customs in *England* and *Scotland* respectively, and shall be drawn back upon the exportation of the same goods ; and the said duties and drawbacks shall be raised, levied, collected, recovered, paid, and allowed, in the same manner and form, and under such restrictions, penalties, and forfeitures, and by such rules, ways, and methods, as the former duties and drawbacks for such goods are respectively raised, levied, collected, recovered, paid, and allowed, (except where any alteration is made by this act,) as fully, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, in any act or acts of parliament relating thereto, were particularly repeated and again enacted in this act.

Duties on importation of foreign linens, etc. to be ascertained and paid in like manner as for other unrated goods.

XXXVII. Provided always, and it is hereby further enacted, That the before-mentioned duties, which are chargeable upon the importation of such foreign linens, cottons, and muslins, according to the value thereof, shall be ascertained and paid, in the same manner, and the goods shall be subject and liable to the same rules, regulations, restrictions, and forfeitures, that other unrated goods, undervalued by the importer or proprietor, are subject and liable to by any act or acts of parliament now in force.

Limitation of actions.

XXXVIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing by him or them done

done in purfuanee of this act, fuch action or fuit fhall be commenced within three months next after the matter or thing done, and fhall be laid in the proper county; and the defendant or defendants in fuch action or fuit may plead the general iffue, and give this act and the fpecial matter in evidence, at any trial to be had thereupon; and if afterwards a verdict fhall pafs for the defendant or defendants, or the plaintiff or plaintiffs fhall become nonfuit, or difcontinue his, her, or their action or profecution, or judgement fhall be given againft him, her, or them, upon demurrer or otherwife, then fuch defendant or defendants fhall have treble cofts awarded to him, her, or them, againft fuch plaintiff or plaintiffs.

General iffue.

Treble cofts.

C A P. LXXIII.

An act to declare, that brewers felling beer or ale in lefs quantities than a cask, containing four gallons and a half, fhall not be intituled to any allowance out of the duties of excife for wafte or leakage; and for making allowances to diftillers of low wines and fpirits from malt, corn, or grain, in refpect to the duties impofed by an act of the laft feffion of parliament.

WHEREAS, by two acts of parliament, made in the twelfth year of the reign of King Charles the Second, one intituled, A grant of certain impositions upon beer, ale, and other liquors, for the increafe of his Majefty's revenue during his life; and the other intituled, An act for taking away the court of wards and liveries, and tenures *in capite*, and by knights-ervice, and purveyance, and for fettling a revenue upon his Majefty in lieu thereof, *it was among other things, enacted, That every common brewer, not felling beer or ale by retail, for and in confideration of wafte by filling and leakage of their beer and ale, fhould have and be allowed, out of the returns made by the gaugers, the feveral allowances and abatements after mentioned; that is to fay, upon every three and twenty barrels of beer, whether ftrong or fmall, returned by the faid gaugers, three barrels; and upon every two and twenty barrels of ale, whether ftrong or fmall, returned by the gaugers, two barrels: and whereas, by another act of parliament, made in the fifteenth year of the reign of King Charles the Second, (intituled, An additional act for the better ordering and collecting the duty of excife, and preventing the abufes therein,) it was, among other things, enacted, That no common brewer of beer and ale fhould fell, deliver, or carry out, any beer or ale to any of his customers, either in whole cask, or by the gallon, before notice given to an excife officer, but between the hours of the day therein mentioned: and whereas, by another act of parliament, made in the firft year of the reign of King William and Queen Mary, (intituled, An act for an additional duty of excife upon beer, ale, and other liquors,) it was among other things, enacted, That the allowances appointed to be made and allowed to the common brewers, other than within the cities of London and Weftminfter, and the weekly bills of mortality, for wafte by fillings and leakage of their beer and ale, out of the returns*

Preamble.

Recital of 12
Car. 2. c. 23;

and c. 24.

15 Car. 2. c.
II.1 Gul. & Mar.
c. 24.

returns or charges made by the gaugers or other officers, should be two barrels and an half upon every three and twenty barrels of beer and ale, whether strong or small, and no more: and whereas many common brewers, under the clause above recited of the said act of the fifteenth year of King Charles the Second, do sell great quantities of beer or ale by single gallons, to divers of their customers, and nevertheless claim the aforesaid allowance, directed to be made, for waste by fillings and leakage, to common brewers not selling beer or ale by retail, by the said two acts of the twelfth year of King Charles the Second, or by the said act of the first year of King William and Queen Mary; and it has been doubted whether such brewers, so selling their beer or ale by single gallons, are intitled to the said allowances; now to remove such doubts, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-five, every common brewer, who shall sell beer or ale, or worts, in any less quantity, at any one time, than in a whole cask, containing four gallons and an half, shall be deemed to sell beer or ale by retail, and shall not be intitled to the said allowance for waste by fillings and leakage in the said two acts of the twelfth year of the reign of King Charles the Second, and the said act of the first year of King William and Queen Mary, mentioned, nor to any other allowance for or in consideration of such waste whatsoever.

From July 5 1785, every person selling beer, etc. in a less quantity than 4 gallons and a half, deemed a retailer.

24 Geo. 3. c. 46.

Low wines and spirits for home consumption.

II. And whereas by a certain act, made in the last session of parliament, intituled, An act to discontinue, for a limited time, the payment of the duties upon low wines and spirits for home consumption, and for granting and securing the due payment of other duties in lieu thereof; and for the better regulation of the making and vending British spirits, as well for home consumption as for exportation; and for destroying all home made and foreign spirits, after the condemnation thereof; and for vesting in his Majesty the duties of excise, within the lands of Ferentosh, in the county of Inverness; and for discontinuing, for a limited time, certain imposts and duties upon rum and spirits imported from the West Indies: it was enacted, That for and during the space of two years, to be computed from the first day of November, one thousand seven hundred and eighty-four, all the rates and duties, granted and imposed upon low wines and spirits for home consumption, in and by any act or acts thencefore made and then in force, should be discontinued; and that, in lieu and stead thereof, the several rates and duties in the said act mentioned, should, for and during the said term of two years, be substituted, charged, and paid, which duties in the said act mentioned are lower in value than the duties by the said act discontinued: and whereas, at the time of passing the said act, divers distillers or makers of low wines and spirits from malt, corn, or grain, were possessed of a large stock of spirits, distilled from malt, corn, or grain, for which the high duties by the said act discontinued had been fully paid, and it is reasonable that

some

Some allowance ſhould be made to ſuch diſtillers, in reſpect of the high duties ſo by them paid, for the ſpirits which were their ſtock in hand at the time of the paſſing the ſaid act; but no proviſion is made in the ſaid act for making ſuch allowance; be it therefore enacted by the authority aforeſaid, That it ſhall be lawful for the commiſſioners of exciſe in *England*, or the major part of them, in caſes where the ſaid duties were charged within the limits of the chief office of exciſe in *London*, to pay, out of the money in their hands, ariſing by the duties by the ſaid act granted, unto ſuch diſtiller or diſtillers, any ſum or ſums of money, not exceeding twenty-two pounds ſterling for every two hundred and fifty-two gallons of ſpirits made from malt, corn, or grain, and ſo in proportion for a greater or leſs quantity; and alſo for the commiſſioners of exciſe in *Scotland*, or the major part of them, in caſes where the ſaid duties were charged within the limits of the chief office of exciſe in *Edinburgh*, to pay, out of the money in their hands, ariſing by the ſaid duties, unto ſuch diſtiller or diſtillers, any ſum or ſums of money, not exceeding a rateable proportion of twenty-two pounds ſterling for every two hundred and fifty-two gallons of ſpirits made from malt, corn, or grain, according to the duties charged thereon in that part of *Great Britain* called *Scotland*; and alſo that it ſhall and may be lawful for any two or more juſtices of the peace for the county, riding, diviſion, or place, in *England* and *Scotland* reſpectively, within which ſuch duties were charged, in caſes where the ſaid duties were charged out of the ſaid reſpective limits, to order the collector of the ſaid duties to pay, out of the money in his hands, ariſing by the duties by the ſaid act granted, unto ſuch diſtiller or diſtillers, any ſum or ſums of money, not exceeding twenty-two pounds ſterling for every two hundred and fifty-two gallons of ſpirits made from malt, corn, or grain, and in proportion for a greater or leſſer quantity in that part of *Great Britain* called *England*; and in a rateable proportion of twenty-two pounds for every two hundred and fifty-two gallons of ſpirits made from malt, corn, or grain, according to the duties charged thereon, in that part of *Great Britain* called *Scotland*, according to the reſpective ſtock of ſuch diſtiller or diſtillers, as the ſame was taken by the officers of exciſe reſpectively, who ſurveyed the ſeveral and reſpective malt diſtillers, between the twenty-ſecond day of *October*, in the year one thouſand ſeven hundred and eighty-four, and the commencement of the ſaid act; and if the ſaid collector ſhall not have money ſufficient in his hands to pay the ſaid ſums ſo ordered, the commiſſioners ſhall cauſe the ſame to be paid out of any monies ariſing by the ſaid duties.

III. Provided alſo, That every ſuch diſtiller who ſhall apply for ſuch allowance, ſhall give notice of his intention to apply for the ſame, unto the collector or ſuperviſor of exciſe of the diſtrict within which the diſtillery of ſuch diſtiller is ſituated, ſix days before ſuch application to the commiſſioners of exciſe or juſtices of the peace reſpectively, in order that ſuch collector

Allowance not exceeding 22l. for every 252 gallons, to be paid in *England*, and a rateable proportion of the ſame ſum in *Scotland*, on the ſtock in hand between Oct. 22, and November 1, 1784.

Six days notice to be given of intention to apply for ſaid allowance.

or

or fupervisor may attend, (if he thinks fit), to fhew unto fuch commissioners or juftices, how much the flock of fuch diftiller refpectively amounted unto, according to the furvey of the officers made in *October*, one thoufand feven hundred and eighty-four, as aforefaid.

Application
to be made by
Nov. 1, 1785.

IV. Provided alfo, That every fuch diftiller, intending to apply for fuch allowance as aforefaid, fhall apply for the fame within fix months after the firft day of *May*, one thoufand feven hundred and eighty-five.

Allowance
when afcer-
tained never
to be again
examined.

V. Provided alfo, That after any of the faid commissioners or juftices fhall have once afcertained fuch allowance, the fame fhall never after be examined into by any other of the commissioners or juftices.

Regulations
for perfons
applying for
the allowance.

VI. *And whereas an account was taken of the flock in hand, at the feveral different corn diftilleries, by order of the commissioners of excife in England and Scotland refpectively, and by their proper officers, within ten days next preceding the commencement of the new rate of duties chargeable under the faid act, and was fo taken, caft, and computed, at and after the rate of one to ten over hydrometer proof; be it enacted by the authority aforefaid, That all and every perfon, claiming any allowance by way of drawback as aforefaid fhall and do present a petition to the commissioners of excife in, England and Scotland refpectively; in which petition fhall be ftated, not only the amount of the allowance claimed thereby, but alfo the particular place and places where the fpirits on which fuch drawback is claimed, were made and diftilled, the particular period or time, within twelve months laft preceding the commencement of the reduced duties, when the flock of the petitioner, at each and every of fuch place of working, was either entirely out or at the loweft ftate, (if any was then in hand), the time next after fuch period when working began at each of fuch places refpectively, and for how long time worts and wafh were continued to be brewed and diftilled therein refpectively, the quantity of wafh brewed, and on which the duties on low wines and fpirits have been charged, and actually paid by the petitioner, and the whole amount of the duties fo refpectively paid within fuch period; and that the quantity of fpirits fold and permitted out fince the period, within fuch twelve months, at which the flock was either wholly out, or at the loweft ftate as aforefaid, together with the flock fo remaining in hand, and on which fuch drawback fhall be claimed, (caft and computed at one to ten over hydrometer proof), did not amount to one fifth part of the quantity of wafh, on which the duties chargeable on low wines and fpirits had been charged, and actually paid by the petitioner within fuch period, refpect being had to the flock in hand, if any was at fuch loweft ftate, or when the petitioner fo began working; to which petition fhall be annexed an affidavit, made and fworn by one or more of the petitioners, before any two or more of the faid refpective commissioners, or before two or more juftices of the peace for the county, riding, divifion, or place, where fuch fpirits were remaining*

Petition to be
verified on
oath.

remaining in ſtock, verifying the particulars and matters ſtated in ſuch petition; and every perſon or perſons, who ſhall be convicted of making or taking a falſe oath, to any of the facts herein-before directed or required to be ſworn, ſhall be deemed guilty of perjury, and ſhall be liable to the pains and penalties to which perſons are liable for wilful and corrupt perjury.

Penalty on making falſe oath.

C A P. LXXIV.

An act for repealing the duty impoſed on tea by an act paſſed in the laſt ſeſſion of parliament, and for granting other duties in lieu thereof; for repealing ſo much of ſeveral acts as relates to the removal of tea; for directing the officers of exciſe to examine and certify the exportation of exciſeable commodities; and for better ſecuring the duties on candles.

WHEREAS by an act, paſſed in the laſt ſeſſion of parliament, intituled, An act for repealing the ſeveral duties on tea, and for granting to his Majeſty other duties in lieu thereof; and alſo ſeveral duties on inhabited houſes; and upon the importation of cocoa nuts and coffee; and for repealing the inland duties of exciſe thereon; it was enacted, That, from and after the fifteenth day of September, one thouſand ſeven hundred and eighty-four, the ſeveral rates, duties, and other impositions upon tea, imported, ſold, or uſed in this kingdom, ſhould ceaſe, determine, and be no longer paid or payable; and that upon all tea, which, from and after the ſaid fifteenth day of September, one thouſand ſeven hundred and eighty-four, ſhould be delivered to the buyers thereof by the united company of merchants of England trading to the Eaſt Indies, there ſhould be paid to the King's majeſty, his heirs and ſucceſſors, by the purchaſer or purchaſers of ſuch tea, a duty of twelve pounds ten ſhillings per centum, to be computed upon the groſs prices at which ſuch tea ſhould be ſold; which duty ſhould be paid as in and by that act is in that behalf directed and appointed: and whereas it is expedient that the ſaid duty, by the ſaid act granted upon tea, ſhould be repealed; and in lieu of the ſaid duty, by the ſaid act granted upon tea, to grant unto his Majeſty the two new duties of five pounds per centum, and ſeven pounds and ten ſhillings per centum, herein-after mentioned; be it therefore enacted by the King's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the firſt day of Auguſt, one thouſand ſeven hundred and eighty-five, the ſaid duty, by the ſaid act granted upon tea, ſhall ceaſe, determine, and be no longer paid or payable; ſave and except in all caſes relating to the recovering any arrears of the ſaid duty, which may at that time remain unpaid, or to any penalty or forfeiture, penalties or forfeitures, relating thereto reſpectively, which ſhall have been incurred upon, or at any time before the ſaid firſt day of Auguſt, one thouſand ſeven hundred and eighty-five.

Preamble.

24 Geo. 3. c. 38.

From Aug. 1. 1785, the duty on tea granted by the recited act repealed.

II. And be it further enacted by the authority aforeſaid,
VOL. XXXV. Y That

New duties in lieu thereof.

That upon all tea which, from and after the said first day of *August*, one thousand seven hundred and eighty-five, shall be sold by the said united company, there shall be paid to the King's majesty, his heirs and successors, one duty of five pounds *per centum*, to be computed upon the gross prices at which such tea shall be sold; and also one other duty of seven pounds and ten shillings *per centum*; to be also computed upon the gross prices at which such tea shall be sold; which said duties of five pounds *per centum*, and seven pounds and ten shillings *per centum*, shall be paid, by the purchaser or purchasers of such tea, to the said united company, at such time or times as shall, by the conditions of such sales, be from time to time appointed for the payment of the price of such tea to the said united company; and the said united company shall at all times, together with the proper officers of the customs, make up an account of five pounds *per centum*, to be computed upon the gross prices at which such tea shall be sold, and pay the same to the collector inwards of his Majesty's customs, within forty days after the expiration of each quarterly sale; which said duty of five pounds *per centum* shall be under the management of the commissioners of the customs for the time being, and shall be again drawn back and repaid upon the exportation of such tea to any place where a drawback of the duty on tea is now allowed by law; and the said united company shall also, at all times, together with the proper officer of excise, make up an account of seven pounds and ten shillings *per centum*, to be computed upon the gross prices at which such tea shall be sold, and pay the same to the commissioners of excise for the time being, within forty days after the expiration of each quarterly sale; which last mentioned duty shall be, and shall be deemed and taken to be an inland duty, and shall be under the management of the commissioners of excise for the time being, and shall be again drawn back and repaid upon the exportation of such tea to any place where a drawback of the duty on tea is now allowed by law; and such tea shall and may, from time to time, be exported to any place or places, where the exportation of tea is now allowed by law, upon the same terms and conditions, and under and subject to the same rules, restrictions, regulations, and provisions, (not otherwise directed by this act,) which in and by an act made in the twenty-first year of the reign of his late majesty King *George* the Second, intituled, *An act for permitting tea to be exported to Ireland, and his Majesty's plantations in America, without paying the inland duties charged thereupon by an act of the eighteenth year of his present Majesty's reign; and for enlarging the time for some of the payments to be made on the subscription of six millions three hundred thousand pounds, by virtue of an act of this session of parliament; or in or by any other act or acts of parliament relating to the exportation of tea, in force at the time of the passing of the said act, made in the last session of parliament, are contained, provided, settled, or established, relating to the exportation of tea; and such*

Duty of 5 per cent. to be under the management of commissioners of customs, etc.

Duty of 7l. 10s. per cent. to be under the management of the commissioners of excise, etc.

21 Geo. 2. c. 14.

rules,

rules, reſtrictions, regulations, and proviſions, ſhall be in full force, and be duly obſerved, practiſed, applied, uſed, and put in execution, throughout the whole kingdom of *Great Britain*, upon ſuch exportation of any ſuch tea, any thing herein, or in any other act or acts of parliament, contained to the contrary in any-wiſe notwithstanding.

Proviſions in ſaid act, etc. relative to exportation of tea, to be applied in executing this act.

III. And be it further enacted by the authority aforeſaid, That in caſe the monies by the ſaid act of the laſt ſeſſion of parliament, directed to be paid to the receiver general of the cuſtoms, (other than the duty on tea hereby repealed,) ſhall, together with the monies ariſing by the ſaid duty of five pounds *per centum*, by this act granted, at any time in any one quarter (the neceſſary coſts, charges and expences of raiſing, receiving, collecting, levying, accounting for, and paying the ſame being firſt deducted,) exceed the ſum of eighty-ſeven thouſand one hundred and thirty-fix pounds, ſixteen ſhillings, and eight-pence farthing, the ſaid receiver general ſhall pay over ſuch exceſs or ſurplus into the hands of the ſaid commiſſioners of exciſe for the time being.

Receiver general of the cuſtoms, in caſe of a ſurplus of duties, to pay the ſame to the commiſſioners of exciſe.

IV. And be it further enacted by the authority aforeſaid, That all the monies that ſhall ariſe by the ſaid duty of five pounds *per centum*, granted by this act, (other than and except ſuch exceſs or ſurplus as aforeſaid,) and all the arrears of the ſaid duty hereby repealed, ſhall be applied and paid by the ſaid collector inwards, into the receipt of the exchequer, upon the ſeveral diſtinct heads of *Subſidy* or *Cuſtoms*, as the duty hereby repealed has been paid in there, purſuant to the ſaid act of the laſt ſeſſion of parliament; and the ſaid duty of ſeven pounds and ten ſhillings *per centum*, hereby granted, together with ſuch exceſs or ſurplus as aforeſaid, ſhall (all coſts, charges, and expences of raiſing, receiving, collecting, levying, accounting for, and paying the ſame being firſt deducted) be, by the ſaid commiſſioners of exciſe for the time being, diſtributed in due proportion to the reſpective heads of exciſe to which the inland duties on teas, repealed by the ſaid act of the laſt ſeſſion of parliament were applicable, and ſhall be by them paid into the receipt of the exchequer, at the rate of one hundred and thirty-eight thouſand nine hundred and ſeventy-nine pounds, five ſhillings, and ten-pence halfpenny *per quarter*; and ſuch monies, ſo paid into the receipt of the exchequer, by the ſaid collector inwards, and commiſſioners of exciſe, reſpectively, ſhall be applied to the ſame uſes and purpoſes as the ſaid duty on tea, repealed by the ſaid act of the laſt ſeſſion of parliament, were applicable unto; and in caſe, in any one quarter, the monies ariſing by the duties granted by the ſaid act of the laſt ſeſſion of parliament, (other than the duty on tea hereby repealed,) together with the ſaid duty of five pounds *per centum* by this act granted, over and above all coſts, charges, and expences of raiſing, receiving, collecting, levying, accounting for, and paying the ſame, ſhall be leſs than the ſum of eighty-ſeven thouſand one hundred and thirty-fix pounds, ſixteen ſhillings, and eight-pence farthing,

The 5 per cent. duty (except the ſurplus) to be paid into the exchequer;

and alſo the 7l. 10s. per cent. duty.

Application of the duties.

the faid receiver general fhall return a certificate thereof into the office of the auditor of the receipt of the exchequer aforefaid; and in cafe, in any one quarter, the monies arifing by the duty of feven pounds and ten fhillings *per centum* by this act granted, together with fuch excefs or furplus as aforefaid, over and above all cofts, charges, and expences of raifing, receiving, collecting, levying, accounting for, and paying the fame, fhall be lefs than the fum of one hundred and thirty-eight thoufand nine hundred and feventy-nine pounds, five fhillings, and ten-pence halfpenny, the faid commissioners of excife fhall return a certificate thereof into the faid office of the auditor of the receipt of the exchequer aforefaid; and fuch deficiencies refpectively fhall, from time to time, be made good by or out of fuch money as fhall be or remain in the receipt of the exchequer of or for the furpluffes, exceffes, or overplus money, or other revenues compofing the fund commonly called *The Sinking Fund*, at the quarter day next after the faid certificates refpectively fhall have been returned into the office of the auditor of the faid receipt; and whatever monies fhall be iffued out of the faid fund to make good fuch deficiencies refpectively, fhall be replaced by or out of the firft fupplies to be thereafter granted by parliament.

In cafe of a deficiency of duties, the fame to be made good out of the finking fund.

Receipts of commissioners of excife a fufficient difcharge to receiver general of customs.

Surplus of duties, how to be applied.

V. Provided always, and be it enacted, That the receipts of the commissioners of excife, or the major part of them, fhall be a fufficient difcharge to the receiver general of the customs for fuch monies as he fhall pay to them in purfuanee of this act, and fuch receipts fhall feverally be allowed by the proper officer or officers in paffing the accounts of fuch receiver general.

VI. And be it further enacted by the authority aforefaid, That if the monies hereby directed to be paid to the commissioners of excife fhall, in any one quarter, produce, over and above all cofts, charges, and expences of raifing, receiving, collecting, levying, accounting for, and paying the fame, more than fufficient to fatisfy the faid fum of one hundred and thirty-eight thoufand nine hundred and feventy-nine pounds, five fhillings, and ten-pence halfpenny, the furplus which remains, after fatisfying that fum, fhall be paid by the faid commissioners of excife into the faid receipt of the exchequer, and be applied towards making good the like fums charged upon the faid fubfidy and duty on houfes, windows and lights, in the next fucceeding quarter.

VII. *And whereas, by the before recited act of the laft feffion of parliament, the feveral duties and other impositions of excife upon cocoa nuts or coffee are repealed, and fundry duties are granted and charged on cocoa nuts and coffee imported in lieu thereof;* be it enacted by the authority aforefaid, That all the monies that fhall arife and be paid into the receipt of his Majefty's exchequer, for and on account of the faid duties, fhall be, and are hereby appropriated, and fhall be applied in manner following; *videlicet*, one moiety or half part thereof fhall be carried to, and made

Monies to arife from the duties on cocoa nuts and coffee, how to be applied.

made a part of the fund, commonly called *The Aggregate Fund*; and the other moiety ſhall be carried to, and made a part of the fund, commonly called *The General Fund*; in lieu of the former inland duty on coffee ſo repealed; and ſhall be iſſued, paid, and applied to and for the ſame uſes and purpoſes as the ſaid reſpective funds are ſubject, liable, and appropriated unto.

VIII. *And whereas, by a clause in a certain act, made in the twenty-first year of his preſent Maſeſty's reign, intituled, An act for repealing the duties payable upon chocolate made in Great Britain, and for granting certain inland duties upon cocoa nuts in lieu thereof; for the better and more effectual ſecuring the revenue of exciſe, and of the inland duties under the management of the commiſſioners of exciſe, and for preventing frauds therein; for the more punctual and ready payment of the allowances to be made to brewers out of the additional duties impoſed on malt; and for rectifying a miſtake in an act made in this preſent ſeſſion of parliament, with reſpect to the exempting of candles from the additional duty of five pounds per centum upon the duties of exciſe impoſed by the ſaid act; it was enacted, That no tea, exceeding the quantity of forty pounds weight, not being in the original cheſt in which the ſame tea was imported into this kingdom by the united company of merchants of England trading to the Eaſt Indies, and then continuing in the ſame ſtate in which it was ſo imported, at any one time, directed to one and the ſame perſon, or perſons where there are two or more in joint trade or partnerſhip, ſhould be removed or carried from any city, town, pariſh, or place, in this kingdom, not being within the limits of the weekly bills of mortality, or of the chief office of exciſe in London, to any other place out of the limits aforeſaid, not within the ſaid city, town, pariſh, or place, from which the ſame ſhould be ſo removed or carried, under and ſubject to the forfeitures in the ſaid act mentioned; and by another clause in a certain other act, made in the twenty-second year of his Maſeſty's reign, intituled, An act for repealing the duties payable for beer and ale above ſix ſhillings the barrel, excluſive of the duties of exciſe, and not exceeding eleven ſhillings the barrel, excluſive of ſuch duties, and for granting other duties in lieu thereof; for granting additional duties on coaches, and other carriages therein mentioned; and alſo additional duties on ſope made in Great Britain, and upon the produce of the ſaid additional duties on coaches and on other carriages; and for the better ſecuring the duty upon tea, and other duties of exciſe; and alſo for appointing the number of commiſſioners of exciſe who may hear cauſes depending before them relative to the duties on male ſervants; the removing or carrying tea, exceeding the quantity of twenty pounds weight, in manner in the ſame act mentioned, was prohibited, under the forfeitures in the ſame act mentioned; and the laſt mentioned clause is amended and enforced by another clause in a certain other act of parliament, made in the twenty-third year of his Maſeſty's reign, intituled, An act for the more effectual preventing the illegal importation of foreign ſpirits, and for putting a ſtop to the private diſtillation of Britiſh made ſpirituous liquors;*

Recital of a
clause in 21
Geo. 3. c. 55.

22 Geo. 3.
c. 68.

23 Geo. 3. c.
70.

liquors; for explaining fuch part of the act imposing a duty upon male fervants, as relates to the right of appeal from the juftices of the peace; to amend and rectify a miftake in an act of the laft feffion of parliament, with refpect to the removal of tea from one part of this kingdom to other parts thereof; and for preventing vexatious actions againft officers of excife acting in purfuance of the authority given by excife ftatutes; *whereby it is enacted, That if any tea, exceeding the quantity of twenty pounds weight at any one time, directed to one and the fame perfon, or perfons (where there are two or more in joint trade or partnership), and not being in the original cheft, in which the fame was imported into this kingdom by the united company of merchants of England trading to the Eaft Indies, and then continuing in the fame ftate in which it was imported, fhould be found removed or carried, or removing or carrying, whether with or without permit, from any city, town, parifh, or place, in this kingdom, not being within the limits of the weekly bills of mortality, or of the chief office of excife in London, to any other place out of the limits aforefaid, not within the faid city, town, parifh, or place, from which the fame fhould be fo removed or carried, all fuch tea, together with the canifters, bags, and other package, containing the fame, and the veffels and boats, and the horfes, and other cattle and carriages employed in removing and carrying the fame, fhould be forfeited, and fhould and might be feized by any officer or officers of excife: and whereas the reftraining the removing tea from one city, town, parifh, or place to another, without the limits of the chief office of excife in London, to fo fmall a quantity at one time as twenty pounds weight, has been*

From Aug. 1, 1785, the cited claufes repealed.

found inconvenient; be it therefore enacted, That, from and after the firft day of Auguft, one thoufand feven hundred and eighty-five, the faid feveral claufes fhall be, and the fame are hereby repealed.

All the powers and provisions in 10 Geo. 1. c. 10. and other acts in force at the paffing the tea act of laft feffion, for raifing, recovering, &c. the duty thereby granted, to be deemed to have been in force for fecuring the duty granted by the faid tea act, and fhall be applied in executing this act.

IX. And be it further declared and enacted, That all the powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, claufes, matters, and things, which, in and by an act made in the tenth year of the reign of his late Majesty King George the Firft, intituled, *An act for repealing certain duties therein mentioned, payable upon coffee, tea, cocoa nuts, chocolate, and cocoa pafte imported; and for granting certain inland duties in lieu thereof; and for prohibiting the importation of chocolate ready made, and cocoa pafte; and for better afcertaining the duties payable upon coffee, tea, and cocoa nuts imported; and for granting relief to Robert Dalzell, late earl of Carnwath; or in any other act or acts of parliament; relating to the duties upon tea, in force at the time of paffing of the faid act made in the laft feffion of parliament, are contained, provided, fettled, or eftablifhed, for managing, affeffing, raifing, levying, collecting, recovering, adjudging, mitigating, afcertaining, enforcing, or fecuring the duty thereby granted, and for preventing, detecting, and punifhing frauds relating thereto, fhall be deemed and taken to have been in full force, to all intents and purpofes, from the time of the paffing of the faid act, of the laft feffion of parliament,* for

for the managing, assessing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, or securing the said duty hereby repealed, and for preventing, detecting, and punishing frauds relating thereto; and the same powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, clauses, matters, and things, shall be and continue in full force, and be duly observed, practised, applied, used, and put in execution, throughout the whole kingdom of *Great Britain*, in and for the managing, assessing, raising, levying, collecting, recovering, adjudging, mitigating, ascertaining, enforcing, and securing the said several duties by this act granted, and for preventing, detecting, and punishing frauds relating thereto, as fully and effectually, to all intents and purposes (so far as the same are not altered by this act), as if the said powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, clauses, matters, and things, had been expressly inserted and re-enacted in the said act, passed in the last session of parliament, or in this act.

X. Provided always, That nothing in this act contained shall extend to subject any person or persons to any penalty or forfeiture for any act done or committed by him or them before the passing of this act, to which such person or persons would not have been liable if this act had not been made, any thing herein-before contained to the contrary in any wise notwithstanding.

Not to subject to forfeitures before the passing hereof.

XI. *And whereas, by several acts of parliament, the several duties of excise, or inland duties, or certain proportions of such duties, payable for or upon the several commodities after mentioned; that is to say, Candles, leather, soap, hops, paper, pasteboard, millboard, and scaleboard, paper printed, painted, or stained, to serve for hangings and other uses, starch, gold or silver wire, and bricks and tiles, are allowed to be drawn back on exportation of the said several commodities to foreign parts by way of merchandize: and whereas, by the said several acts of parliament, certain regulations are provided for preventing frauds in the exportation or relanding any of the said commodities, and certain powers and authorities are by the said several acts given to the customers, collectors, or other officers of his Majesty's customs, at the respective ports or places of exportation of the said several commodities respectively, to administer certain oaths, and to take securities for the due exportation of the said several and respective commodities, and to grant to the exporters thereof certificates or debentures for the allowance of the duties on the said commodities so exported respectively: and whereas the requiring those regulations, powers, and authorities, to be observed and executed by the customers, collectors, or other officers of his Majesty's customs, has been found inconvenient; be it therefore enacted by the authority aforesaid, That, from and after the tenth day of August, one thousand seven hundred and eighty-five, such parts of such several acts of parliament as require the said regulations, powers, and authorities, to be observed and executed by the customers, collectors, or other officers of his Majesty's customs, shall be repealed, and*

Reciting regulations and powers to be observed, &c. by officers of customs, under former acts.

Such parts of those acts repealed.

shall be no longer observed or practised; and that, instead thereof, it shall be lawful for such officer or officers of excise, as the commissioners of excise shall appoint for that purpose, and they are hereby required to execute all and every the said regulations, powers, and authorities, as fully and effectually as the customers, collectors, or other officers of the customs, might have done before the passing this act.

From Aug. 10, 1785, any such commodities, for which the duties are paid, may be exported.

Notice to be given before packing up the same.

XII. And be it further enacted by the authority aforesaid, That, from and after the said tenth day of *August*, one thousand seven hundred and eighty-five, it shall be lawful for any person or persons, who shall have paid all his Majesty's duties by any act or acts of parliament payable for any of the respective commodities aforesaid, or for any person or persons who shall buy, or be lawfully intitled to any of the said commodities, from the person or persons who actually paid his Majesty's duties thereupon, to export from any lawful quays, and in the lawful hours, any such respective commodities, for which all the duties shall have been paid, to any foreign parts by way of merchandize, upon the terms, and according to the directions herein-after mentioned; that is to say, The person or persons, so intending to export any such commodities, shall give twelve hours notice, within the limits of the chief office of excise in *London*, and twenty-four hours notice in other places in *Great Britain*, of his intention to pack up, in order to be exported, any such commodities, and of the time and place when and where the same are intended to be packed up, to the officer or officers of excise, who shall be appointed for that purpose by the respective commissioners of excise in *England* or *Scotland*; and such officer or officers shall attend to see such commodities packed up, and the same shall be packed up in the presence of such officer or officers, and shall be secured with such fastenings, and sealed with such seal or mark, and in such manner, as the said respective commissioners shall direct; and if any person shall open such package, or wilfully destroy or deface such seal or mark, (save and except the officer of excise at the port of exportation, as herein-after mentioned), every person so offending shall forfeit and lose the sum of twenty pounds for every such offence; and the officer or officers who saw the said commodities packed up, shall take an account of the kinds and quantities of the said commodities so intended to be exported, and make a return thereof to the officer who shall be appointed by such commissioners to receive the same, at the port of exportation, without any fee or reward for so doing.

Penalty on opening packages, &c.

If such goods shall not be packed agreeable to former notice, a fresh notice to be given.

XIII. Provided always, That if the person or persons, so intending to pack up such commodities, shall not begin and proceed to pack up the same at the time mentioned in such notice, or within one hour after such time, then such notice shall be void, and such person or persons, so intending to pack up such commodities, shall be obliged to give a fresh notice to such officer or officers of the time and place when and where such commodities are intended to be packed up in order to be exported;

ported; and the person or persons, so intending to export such commodities, shall also give six hours notice of the time and place of shipping such commodities, unto the officer of excise of the place where the same shall be shipped, who shall attend and see the same put on shipboard; and the exporter of the said commodities shall also, before the shipping the same, give sufficient security, to be approved of by the respective commissioners of excise, or the person by them appointed for that purpose, in treble the value of the duty intended to be drawn back, that the particular commodities, so intended to be exported, and every part thereof, shall be shipped and exported, and shall not be unshipped, unladed, or laid on land, or put on board any other ship or vessel in *Great Britain*, shipwreck, or other unavoidable accident, excepted; which security the officer of excise of the port where the said commodities shall be exported, is hereby directed to take in his Majesty's name and to his Majesty's use; and the said exporter, or his clerk or manager, shall make oath, (or affirmation, if a *Quaker*), that he believes the duties upon such commodities had been fully paid, and that such commodities are the same that are described in the account sent as aforesaid, by the officer in whose presence the same were packed, to the officer attending the shipping, (which oath or affirmation the surveyor or supervisor, or other officer appointed by the commissioners for that purpose, is hereby authorized and required to administer); and the said surveyor or supervisor, or other officer aforesaid, and the officer who attended the shipping the said commodities, being satisfied of the truth thereof, shall, within one month after the exportation of the said commodities, give to the said exporter, or his clerk or manager, a certificate or debenture, expressing the quantities and kinds of such commodities so shipped, and that all the duties have been paid for the same, and that security hath been given, before the shipping the same, for the due exporting the same; and such certificate or debenture, being produced to the collector of the port where the same commodities were exported, he shall forthwith pay or allow the persons so exporting the same, or their agents, a drawback or allowance of the duties before paid for such commodities so exported, or of such part and so much of the said duties for such respective commodities so exported, as may now be drawn back or allowed on the exportation of any of the said commodities respectively by any law or laws now in force; and if such collector shall not have money in his hands to pay the same, then the respective commissioners of excise in *England* or *Scotland* are required to pay the said drawback or allowance out of such duties as drawbacks or allowances, granted upon the exportation of the same commodities, are now payable by law respectively.

Exporter to give security for the shipping thereof, etc.

and shall receive a certificate from the officer.

XIV. Provided always, That it shall be lawful for the officer attending the shipping such commodities, if he thinks it necessary, to open or examine such commodities at the port of exportation, in order that he may be satisfied that such goods are them,

Officer attending the shipping such commodities, may examine are them,

are the same that are described in the account sent to him by the officer in whose presence the goods were packed.

Goods landed, etc. after giving security for obtaining the drawback, to be forfeited.

XV. Provided always, That if, after the shipping any such commodities, and the giving or tendering such security as aforesaid, in order to obtain a drawback or allowance of the duties before paid or charged thereupon, the same commodities, or any part thereof, shall be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted, that then, and in every such case, over and above the penalty of the bond, which shall be levied and recovered to his Majesty's use, all the said commodities which shall be so unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted, or the value thereof, shall be forfeited, and may be seized by any officer of the customs or excise.

Recital of 10 Annæ, c. 19;

and 12 Annæ, c. 9.

XVI. *And whereas by another act of parliament, made in the tenth year of the reign of Queen Anne, for laying several duties upon all sops and paper made in Great Britain, or imported into the same; and upon chequered and striped linens imported; and upon certain silks, calicoes, linens, and stuffs, printed, painted, or stained; and also by another act, made in the twelfth year of the reign of Queen Anne, for laying additional duties on sops and paper, and upon certain linens, silks, calicoes, and stuffs, the duties of excise, or inland duties, payable on silks, calicoes, linens, or stuffs, printed, painted, stained, or dyed in Great Britain, are allowed to be drawn back on the exportation of such goods to foreign parts by way of merchandise, and several regulations are provided by the said acts for preventing frauds in the exportation or relanding of such goods; and certain powers and authorities are thereby given to the customers or collectors, or other officers of his Majesty's customs, at the respective ports or places of exportation of the said goods, to administer certain oaths, and to take securities for the due exportation of the said goods, and to grant to the exporter certificates or debentures for the allowance of the duties on goods so exported: and whereas the requiring those regulations, powers, and authorities, to be observed and executed by the customers, collectors, or other officers of his Majesty's customs, has been found inconvenient;*

From Aug. 10, 1785, certain parts of the recited acts repealed.

be it therefore enacted, That, from and after the tenth day of August, one thousand seven hundred and eighty-five, those parts of the aforesaid two acts of Queen Anne, which require the said regulations, powers, and authorities, to be observed and executed by the customers, collectors, or other officers of his Majesty's customs, shall be repealed, and shall be no longer observed or practised; and that, instead thereof, it shall be lawful for such officer or officers of excise as the commissioners of excise shall appoint for that purpose, and they are hereby required to execute all and every the said regulations, powers, and authorities, as fully and effectually as the customers, collectors, or other officers of the customs, might have done before the passing this act.

XVII. And

XVII. And be it further enacted by the authority aforefaid,

That, from and after the faid tenth day of *Auguft*, one thou-
 fand feven hundred and eighty-five, it fhall be lawful for any
 perfon or perfons who fhall have paid all his Majesty's duties
 for any fuch filks, calicoes, linens, or ftuffs, printed, painted,
 ftained, or dyed in *Great Britain*, or for any perfon or perfons
 who fhall buy, or be lawfully intituled to any fuch goods from
 the perfon or perfons who actually paid his Majesty's faid duties,
 at any lawful quays, and in the lawful hours, to export any
 fuch goods, for which all the duties fhall have been paid, to
 any foreign parts by way of merchandize, upon the terms, and
 according to the directions, herein-after mentioned; that is to
 fay, the perfon or perfons intending to export any fuch goods
 fhall give twelve hours notice within the limits of the chief
 office of excife in *London*, and twenty-four hours notice in other
 places in *Great Britain*, of his intention to pack up fuch goods
 in order to be exported, and of the time and place when and
 where the fame are intended to be packed up, to the officer or
 officers of excife who fhall be appointed for that purpofe by the
 refpective commiffioners of excife in *England* or *Scotland*; and
 fuch officer or officers fhall attend to fee fuch goods packed up,
 and fhall take care to meafure the faid goods, and to fee that
 the feals or ftamps, denoting the payment of the duties there-
 upon, are taken off from every piece of fuch goods before the
 fame are packed up; and every fuch piece fhall be packed up
 in the prefence of fuch officer or officers, and fhall be fecured
 with fuch faftenings, and fealed with fuch feal or mark, and in
 fuch manner, as the faid refpective commiffioners fhall direct;
 and if any perfon fhall open fuch package, or wilfully deftroy
 or deface fuch feal or mark, (fave and except the officer of ex-
 cife at the port of exportation, as hereinafter mentioned), every
 perfon fo offending fhall forfeit and lofe the fum of twenty
 pounds for every fuch offence; and the officer or officers who
 faw the faid commodities packed up fhall take an account of
 the kinds and quantities of fuch goods fo intended to be ex-
 ported, and make a return thereof to the officer, who fhall be
 appointed by fuch commiffioners to receive the fame, at the
 port of exportation, without any fee or reward for fo doing.

From Aug. 10,
 1785, any fuch
 filks, etc. for
 which the du-
 ties have been
 paid, may be
 exported.

Notice to be
 given before
 packing the
 fame.

Penalty on
 opening pack-
 ages, etc.

XVIII. Provided always, That if the perfon or perfons fo
 intending to export fuch goods, fhall not begin and proceed to
 pack up the fame at the time mentioned in fuch notice, or
 within one hour after fuch time, then fuch notice fhall be void;
 and fuch perfon or perfons, fo intending to pack up fuch goods,
 fhall be obliged to give a frefh notice to fuch officer or officers,
 of the time and place when and where fuch goods are intended
 to be packed up in order to be exported.

On failure of
 beginning to
 pack agree-
 able to former
 notice, a frefh
 notice to be
 given.

XIX. And whereas, by an act paffed in the prefent feflion of par-
 liament, intituled, An act for repealing the duties on linens to
 be printed, painted, ftained, or dyed in *Great Britain*, impofed
 by an act made in the laft feflion of parliament, and for grant-
 ing other duties in lieu thereof; and on cotton ftuffs, muf-
 lins,

c. 74.

ftufians;

ſuſtians, velvets, and velverets, wove in *Great Britain*, to be printed, ſtained, painted, or dyed; and upon the importation of linens, cotton ſtuſſs, muſlins, ſuſtians, velvets, and velverets, printed, ſtained, painted, or dyed in foreign parts, every piece of linen or ſtuſſs, or ſtuſſs made of cotton, to be printed, painted, ſtained, or dyed in *Great Britain*, after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, is required to have a ſeal or ſtamp denoting the payment of the duties thereupon, and alſo a frame mark denoting the meaſure thereof, at both ends of every ſuch piece; and all the regulations of the ſaid act are enacted to extend to all ſilks, calicoes, linens, and ſtuſſs to be printed, painted, ſtained, or dyed, in *Great Britain*, after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five; be it enacted by the authority aforeſaid, That whenever any perſon ſhall be deſirous of packing up, in order to be exported, any piece or pieces of ſuch ſilks, calicoes, linens, or ſtuſſs, printed, painted, ſtained, or dyed, before the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, and not having ſuch ſeals or ſtamps denoting the payment of the duties, and ſuch frame marks denoting the meaſure thereof, at both ends of ſuch piece or pieces, ſuch perſon, or his clerk or manager, ſhall make oath (or, being a Quaker, affirmation) before the ſurveyor or ſuperviſor, or other officer of exciſe appointed by the commiſſioners of exciſe for that purpoſe (who is hereby authorized and required to adminiſter the ſame), that all and every ſuch piece and pieces were printed, painted, ſtained, or dyed in *Great Britain* before the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five; and ſuch officer or officers ſhall not permit to be packed up, in order to be exported, any piece of ſilk, linen, or ſtuſſs, which ſhall have been printed, painted, ſtained, or dyed, in *Great Britain*, after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, not having the ſeals or ſtamps denoting the payment of the duties, and alſo the frame marks denoting the meaſure thereof, diſtinct and plain, at both ends of every ſuch piece; which frame marks ſhall be cut off from both ends, at the ſame time as the ſeals or ſtamps denoting the payment of the duties are cut off from the ſame; and the perſon or perſons intending to export ſuch goods ſhall alſo give ſix hours notice of the time and place of ſhipping ſuch goods, unto the officer of exciſe of the place where the ſame ſhall be ſhipped, who ſhall attend and ſee the ſame put on ſhipboard; and the exporter of the ſaid goods ſhall alſo, before the ſhipping the ſame, give ſufficient ſecurity, to be approved of by the commiſſioners of exciſe, or the perſon by them appointed for that purpoſe, in treble the value of the duty intended to be drawn back, that the particular goods ſo intended to be exported, and every part thereof, ſhall be ſhipped and exported, and ſhall not be unſhipped, unladed, or laid on land, or put into any other ſhip or veſſel within *Great Britain*, ſhipwreck, or other unavoidable accident, excepted; which ſecurity the officer of exciſe of the port where the ſaid goods ſhall be exported, is hereby directed

Directions relative to ſilks, calicoes, etc. painted or dyed before Aug. 1, 1785, and deſigned for exportation.

Exporter to give ſecurity that the goods ſhall not be reſealed in *Great Britain*, etc.

to take in his Majesty's name, and to his Majesty's use: and the said exporter, or his clerk or manager, shall make oath, (or affirmation, if a Quaker), that he believes the duties upon such goods had been paid, and that such goods are the same that are described in the account sent as aforesaid by the officer in whose presence the same were packed, to the officer attending the shipping, (which oath or affirmation the surveyor or supervisor, or other officer appointed by the commissioners for that purpose, is hereby authorized and required to administer); and the said surveyor or supervisor, or other officer aforesaid, and the officer who attended the shipping the said goods, being satisfied of the truth thereof, shall, within one month after the exportation of the said goods, give to the said exporter, or his clerk or manager, a certificate or debenture, expressing the quantities and kinds of such goods, and that all the duties have been paid for the same, and that security has been given before the shipping the same for the due exporting the same; and such certificate or debenture being produced to the collector of the port where the same goods were exported, he shall forthwith pay or allow, to the persons so exporting the same, or their agents, a drawback or allowance of the duties before paid for such goods so exported; and if such collector shall not have money in his hands to pay the same, then the respective commissioners of excise in *England* or *Scotland* are required to pay the said drawback or debenture out of the duties upon silks, calicoes, linens, or stuffs, printed, painted, stained, or dyed in *Great Britain*.

Surveyor, etc. within a month after exportation, to give a certificate to the exporter, which shall intitle him to a drawback.

XX. Provided always, That it shall be lawful for the officer attending the shipping such goods, if he shall think it necessary, to open and examine such goods at the port of exportation, in order that he may be satisfied that such goods are the same that are described in the account sent to him by the officer in whose presence the goods were packed.

Officer attending the shipping of goods may examine the same.

XXI. Provided always, That if, after the shipping any such goods, or giving or tendering such security as aforesaid, in order to obtain an allowance or drawback of the duties thereupon, the same goods, or any part thereof, shall be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted; then, and in every such case, over and above the penalty of the bond, which shall be levied and recovered to his Majesty's use, all the said goods which shall be so unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain*, shipwreck, or other unavoidable accident, excepted, or the value thereof, shall be forfeited, and may be seized by any officer of the customs or excise.

Goods, after shipped for exportation, relanded, shall be forfeited.

XXII. Provided always, That nothing in this act contained shall extend to authorize any person or persons to export any goods whatsoever, to any foreign parts whatsoever, other than such person or persons might have done by law before the making this act.

Not to authorize the exportation of any other goods,

XXIII. Provided also, That nothing in this act contained shall

or in any other manner than might be done before the paſſing hereof.

Not to intitle exporters to any new draw-back.

No Perſon to make candles, within the limits of the head office, unleſs he occupy a tenement of 10l. per ann. and pay pariſh rates for the ſame; nor in any other part of the kingdom, unleſs he pay to church and poor.

Recital of two claules in 8 Anne, c. 9.

ſhall authoriſe any perſon or perſons to export any goods whatſoever, in any manner whatſoever, other than ſuch perſon or perſons might have done before the making this act, ſave and except as in this act is expreſſly provided.

XXIV. Provided alſo, That nothing in this act contained ſhall extend to intitle any perſon or perſons to any other draw-back or allowance, upon the exportation of any goods whatſoever, than ſuch perſon or perſons would have been intitled to by law upon the exportation of ſuch goods before the making this act.

XXV. *And whereas, notwithstanding the ſeveral laws already made for the ſecuring the duties on candles, and for proteſting the fair trader, many groſs frauds are daily practiſed by evil-minded and indigent perſons, who are encouraged in ſuch practices by the length of time allowed by the laws for the payment of the duties on candles,* for remedy whereof, be it enacted by the authority aforeſaid, That, from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, no perſon or perſons whatſoever, reſiding within the limits of the head office of exciſe in *London*, ſhall be permitted to make any candles, unleſs ſuch perſon or perſons ſhall occupy a tenement or tenements of the yearly value of ten pounds or upwards, and for which he, ſhe, or they ſhall accordingly be aſſeſſed in his or their own name or names; and ſhall alſo pay to the pariſh rates; and that no perſon or perſons whatſoever, reſiding in any other part of the kingdom, where there are rates to church and poor, ſhall be permitted to make any candles, unleſs ſuch perſon ſhall be aſſeſſed and pay to church and poor in the ſeveral pariſhes and places in which they ſhall reſpectively reſide; and that no entry of any melting-houſe, workhouſe, warehouſe, ſtorehouſe, room, or place, for the making or keeping of candles, or for the melting or keeping of wax, ſpermaceti, tallow, or other materials to be made into candles, already made or hereafter to be made, as required by the ſtatutes in ſuch caſe made and provided, ſhall be of any avail to any perſon or perſons not ſo qualified, or for any longer time than the perſon or perſons, ſo making entry, ſhall be qualified as aforeſaid; and every perſon making candles, and not qualified as aforeſaid, ſhall, notwithstanding any entry by him, her, or them made, be deemed and taken to be a perſon making candles without entry, and ſhall be ſubject to the like penalties and forfeitures as perſons making candles without entry are, by the ſtatutes in ſuch caſe made and provided, now ſubject unto.

XXVI. *And whereas, by a claule in an act paſſed in the eighth year of the reign of Queen Anne, intituled, An act for laying certain duties upon candles, and certain rates upon monies to be given with clerks, and apprentices, towards raiſing her Maſteſty's ſupply for the year one thouſand ſeven hundred and ten, it was enacted, That all and every perſon and perſons whatſoever, who ſhould make any candles in London, Weſtminſter, or in any parts within the limits of the weekly bills of mortality, ſhould monthly, and every*

every month, and all and every person or persons whatsoever, who should make any candles in any other part of Great Britain, should, once in every six weeks, make a true entry in writing, at the next office of excise, of all the candles by him or them severally made within such month or six weeks respectively; which entries were to be made in manner as therein expressed; and by one other clause in the same act, it was further enacted, That all and every person and persons whatsoever, who should make any candles in London, Westminster, or within the limits of the said weekly bills of mortality, should, within four weeks, and all and every person and persons whatsoever, who should make any candles in any other part of Great Britain, should, within six weeks, after he, she, or they should make, or ought to have made, such entry as aforesaid, pay and clear off all the said duties for candles which should be due from him, her, or them respectively: and that all and every such makers of candles, who should refuse or neglect to make such payment as aforesaid, should forfeit and lose, for every such offence, double the sum of the said duty: and whereas the allowing so long time for the making the entries, and for the payment of the duties, as aforesaid, hath been found prejudicial to the revenue, and also to the fair trader, as evil-minded and indigent persons have been encouraged thereby to make candles, and have made entry of the candles by them made, but have neglected to pay the duty when due, and before the time that the duty could be recovered, have absconded from their respective dwelling places, or by other methods have evaded the payment of the same; be it therefore further enacted by the authority aforesaid, That, from and after the said first day of August, one thousand seven hundred and eighty-five, the above recited clauses shall be, and the same are hereby repealed.

The said clauses repealed.

XXVII. And be it further enacted by the authority aforesaid, That, from and after the said first day of August, one thousand seven hundred and eighty-five, all and every person whatsoever, who shall make any candles, shall weekly, and every week, make a true entry in writing, at the next office of excise, of all the candles by him, her, or them severally made within each week; which said entries shall contain the weight, number, and size, of the candles mentioned therein respectively, and what quantity was made at each course within the said week to which such entry shall relate, on pain to forfeit, for every neglect of entry, the sum of twenty pounds; which entries shall be made upon oath by the makers of such candles, or by their chief workman or servant employed in making the same, according to the best of their knowledge and belief, unless such maker, workman, or servant, be a known Quaker, and the solemn affirmation of such maker or workman, or servant, to the same effect, in case he or she be a known Quaker, shall and may be taken instead of such oath; and the said entries, oaths and affirmations to verify the same, shall, for such candles as shall be made within the limits of the weekly bills of mortality, be made with, and administered by, such officer or

All candles made to be entered weekly, on oath.

Particulars to be specified in the entry.

With and by whom such entries and oaths shall be made and administered.

officers as shall be appointed by the commissioners of excise in *England*, or the major part of them for the time being, who shall attend at the general excise office in *London* for that purpose; and for all candles made in all parts of *Great Britain*, with and by the respective collectors or supervisors of the district or division within which the respective makers of candles shall inhabit, without any fee or charge whatsoever to be demanded or taken for the same.

Candlemakers to pay the duties within a week after entry.

XXVIII. And be it further enacted by the authority aforesaid, That all and every person and persons whatsoever, who shall make any candles in *Great Britain*, shall, within one week after he, she, or they shall make, or ought to have made, such entry as aforesaid, pay and clear off all the duties for candles which shall be due from him, her, or them respectively; and that all and every such maker of candles, who shall refuse or neglect to make such payment as aforesaid, shall forfeit and lose, for every such offence, double the sum of the said duty whereof the payment shall be so refused or neglected; and that no such maker of candles, after such default in payment made, shall sell, deliver, or carry out any candles, until he or she hath paid and cleared off his or her duty as aforesaid, on pain to forfeit double the value of such candles so delivered or carried out.

Chandlers, before they begin any making of candles, to give notice to the officer when they shall begin to spread cottons, etc.

XXIX. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, every chandler, or maker of candles, before he, she, or they shall begin to work upon or make any course or making of candles whatsoever, shall give, to the officer of the division or place where such candles were intended to be made, notice in writing of the particular time and hour when he or she shall intend to begin to spread cottons, wicks or rushes, for any such course or making of candles, and also the hour and time, when he or she shall intend to begin to run in or dip any such cottons, wicks or rushes, which notice shall be given as herein-after is mentioned; that is to say, if such making is intended to be in any place within the limits of the head office of excise in *London*, then such notice shall be given by the space of six hours next before the beginning of every such making; and if such making is intended to be in any city or market town, out of the said limits, then such notice shall be given by the space of twelve hours next before the beginning of every such making; and if such making is intended to be in any other place out of the said limits, then such notice shall be given by the space of twenty-four hours next before the beginning of every such making, on pain of forfeiting the sum of fifty pounds for every time when any maker of candles shall begin to spread cottons, wicks, or rushes, or to run in or dip any such cottons, wicks, or rushes, without first giving such notice as aforesaid.

on penalty of 50*l*.

In what cases notice shall be void.

XXX. And be it further enacted by the authority aforesaid, That if such intended spreading of cottons, wicks, or rushes, and

and alfo fuch intended running in or dipping fuch cottons, wicks, or rufhes, fhall not be begun and proceeded upon at the refpective hours and times mentioned in fuch notice, or within three hours next after fuch refpective hours and times, then every fuch notice fhall be null and void.

XXXI. *And, in order to deter perfons from affifting in the private and fraudulent making of candles in unentered places,* be it further enacted by the authority aforefaid, That, from and after the faid firft day of *Auguft*, one thousand feven hundred and eighty-five, when any officer or officers of excife fhall difcover that the making of candles is carried on in any private workhoufe, room, or place, whereof no notice has been given at the next office of excife, and fhall at the fame time difcover in the workhoufe, ftorehoufe, room, or place, where fuch private making of candles fhall be fo difcovered, any perfon or perfons knowingly affifting, or any ways concerned in carrying on fuch private making of candles, every fuch perfon or perfons fo difcovered fhall forfeit and lofe the fum of twenty pounds, over and above all penalties and forfeitures that the proprietor or maker of fuch candles fhall be liable to; and it fhall be lawful for the officer and officers of excife, and all other perfons acting in his or their aid, to flop, arreft, and detain, all and every the perfon and perfons fo difcovered in fuch workhoufe, ftorehoufe, room, or place, and to convey the faid perfon or perfons before one or more juftice or juftices of the peace for the county, riding, divifion, city, or liberty refpectively, wherein fuch perfons fhall be fo difcovered as aforefaid; and it fhall be lawful for fuch juftice or juftices of the peace refpectively, on confeffion of the party, or on proof by the oath of one or more credible witnefs or witneffes, to convict the perfon or perfons fo difcovered as aforefaid, and the perfon or perfons fo convicted fhall, immediately on fuch conviction, pay the faid fum of twenty pounds into the hands of the officer who fhall have conveyed fuch offender before fuch juftice or juftices of the peace, to be applied in manner herein-after directed; and on fuch offender or offenders refufing or neglecting to pay the faid fum of twenty pounds, the juftice or juftices, fo convicting as aforefaid, fhall, by warrant or warrants under his or their hand and feal, or hands and feals, commit the offender or offenders to the houfe of correction for the faid county, riding, divifion, city, or liberty refpectively, there to remain and be kept to hard labour for the fpace of two months, to be reckoned from the day of fuch conviction; and the perfon or perfons fo committed fhall not be difcharged until he, ſhe, or they fhall have paid the faid fum of twenty pounds, or until the expiration of the faid two months: and in cafe the perfon or perfons fo convicted fhall be again difcovered in any workhoufe, ftorehoufe, room, or place, where the making of candles fhall be fo privately carried on, affifting, or otherwife concerned in carrying on fuch private making of candles, he, ſhe, or they, fo again offending fhall, upon the like conviction, forfeit and pay, for fuch fecond offence,

Penalty on perfons affifting in making candles privately :

firft offence, 20l. or two months imprisonment;

fecond offence, 40l. or four months imprisonment.

fence, the sum of forty pounds, and shall be committed to the house of correction in manner aforesaid, there to remain for and during the term of four months, or until the said sum of forty pounds shall be paid.

All the powers, penalties, etc. contained in 12 Car. 2. c. 24. or any other law relating to excise duties, for collecting and recovering the duties thereby granted, shall be applied in executing this act.

XXXII. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, and forfeitures, clauses, matters, and things, which in and by an act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in Capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise, or inland duties under the management of the commissioners of excise, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating, or recovering, adjudging, or ascertaining, the duties or penalties thereby granted, and for preventing, detecting, and punishing of frauds relating thereto, (other than in such cases for which other penalties or provisions are prescribed by this act,) shall be exercised, practised, applied, used, and put in execution, in and for the managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering, and paying the several duties hereby granted, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters, and things, were particularly repeated and again enacted in this present act.

Penalties and forfeitures how to be recovered and applied.

XXXIII. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, or methods, as any fine, penalty, or forfeiture may be sued for, recovered, levied, or mitigated by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall inform, discover, or sue for the same.

Limitation of actions.

XXXIV. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing by him or them done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county; and the defendant or defendants in such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants

General issue.

defendants shall have treble coſts awarded to him, her, or them, Treble coſts.
againſt ſuch plaintiff or plaintiffs.

C A P. LXXV.

An act to extend the proviſions of an act, made in the twenty-third year of his preſent Maſteſty's reign, for granting to his Maſteſty a ſtamp duty on the registry of burials, marriages, births, and chriſtenings, to the registry of burials, births, and chriſtenings of proteſtant diſſenters from the church of England.

WHEREAS by an act, made in the twenty-third year of the Preamble.
reign of his preſent Maſteſty, (intituled, An act for grant- 23 Geo. 3. c.
ing to his Maſteſty a ſtamp-duty on the registry of burials, mar- 67.
riages, births, and chriſtenings,) a ſtamp-duty of three-pence was
impoſed on the entry of any burial, marriage, birth, or chriſtening,
in the register of any pariſh, precinct, or place in Great Britain:
and whereas it is expedient to extend the proviſions of the ſaid act to
all his Maſteſty's proteſtant ſubjects diſſenting from the church of
England; be it therefore enacted by the King's moſt excellent
maſteſty, by and with the advice and conſent of the lords ſpiri-
tual and temporal, and commons, in this preſent parliament aſ-
ſembled, and by the authority of the ſame, That, from and
after the firſt day of October, one thouſand ſeven hundred and
eighty-five, the proviſions of the ſaid act, made in the twenty-
third year of the reign of his preſent Maſteſty, ſhall extend to
all his Maſteſty's proteſtant ſubjects diſſenting from the church of
England; and that the registers of births, burials, and chriſten-
ings of ſuch of them as uſe infant baptiſm, now kept, or here-
after to be kept by them; and the registers of births and bu-
rials of ſuch proteſtant diſſenters as do not uſe infant baptiſm,
now kept, or hereafter to be kept by them, ſhall be ſubject and
liable to the ſtamp duties by the ſaid recited act impoſed upon
the registers of births, burials, and chriſtenings; any thing
therein, or in any other law contained to the contrary notwith-
ſtanding.

From Oct. 1,
1785, the re-
cited act ex-
tended to pro-
teſtant diſ-
ſenters.

C A P. LXXVI.

*An act for appointing commiſſioners further to enquire into the loſſes
and ſervices of all ſuch perſons who have ſuffered in their rights,
properties, and profeſſions, during the late unhappy diſſentions in
America, in conſequence of their loyalty to his Maſteſty, and at-
tachment to the Britiſh government.*

WHEREAS, by an act, made in the twenty-third year of the Preamble.
reign of his preſent Maſteſty, (intituled, An act for appoint- 23 Geo 3. c.
ing commiſſioners to enquire into the loſſes and ſervices of all 80.
ſuch perſons who have ſuffered in their rights, properties, and
profeſſions, during the late unhappy diſſentions in America, in
conſequence of their loyalty to his Maſteſty, and attachment to
the Britiſh government,) certain perſons were conſtituted commiſ-
ſioners for enquiring into the reſpective loſſes and ſervices of all ſuch
perſon and perſons who have ſuffered in their rights, properties, and
profeſſions,

professions, during the late unhappy diſſentions in America, in conſequence of their loyalty to his Maſteſty, and attachment to the Britiſh government: and whereas the purpoſes intended by the ſaid act are not yet completed, and it is therefore neceſſary that the ſaid act ſhould be continued; be it therefore enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That John Wilmet eſquire, colonel Robert Kingſton, colonel Thomas Dundas, John Marſh eſquire, Jeremy Pemberton eſquire, and Robert Mackenzie eſquire, ſhall be, and they are hereby conſtituted commiſſioners for the purpoſes in the ſaid recited act mentioned.

Commiſſioners.

Commiſſioners to be ſworn.

II. And be it further enacted, That any two commiſſioners in this act named, before they enter upon the execution of the ſame, ſhall take an oath before the maſter of the rolls for the time being, or one of his Maſteſty's juſtices of the court of King's bench, common pleas, or barons of the exchequer, (which they or either of them are hereby authorized and required to adminiſter,) in the form following; that is to ſay,

The oath.

I A. B. do ſwear, That, according to the beſt of my ſkill and knowledge, I will faithfully, impartially, and truly execute the ſeveral powers and truſts veſted in me by an act, (intituled, An act for appointing commiſſioners further to enquire into the loſſes and ſervices of all ſuch perſons who have ſuffered in their rights, properties, and profeſſions, during the late unhappy diſſentions in America, in conſequence of their loyalty to his Maſteſty, and attachment to the Britiſh government,) according to the tenor and purport of the ſaid act.

And every other of the ſaid commiſſioners, in this act named, ſhall likewiſe take the ſame oath before the ſaid two commiſſioners, who are hereby authorized and required to adminiſter the ſame, after they ſhall themſelves have taken the ſaid oath as aforeſaid.

Commiſſioners may examine parties on oath.

III. And be it further enacted, That it ſhall and may be lawful to and for the ſaid commiſſioners, or any two or more of them, and they are hereby authorized, impowered, and required, to examine upon oath (which oath they, or any two or more of them, are hereby authorized to adminiſter,) all perſons whom the ſaid commiſſioners, or any two or more of them, ſhall think fit to examine, touching all ſuch matters and things as ſhall be neceſſary for the execution of the powers veſted in the ſaid commiſſioners by this act; and all ſuch perſons are hereby directed and required punctually to attend the ſaid commiſſioners at ſuch time or place as they, or any two or more of them, ſhall appoint.

Commiſſioners to meet, and to ſend for perſons or papers,

IV. And be it enacted by the authority aforeſaid, That the ſaid commiſſioners, or any two or more of them, are hereby authorized to meet and ſit, from time to time, at their preſent

present place of meeting, or at such other place as they, or any two or more of them, shall think proper, with or without adjournment, and to send their precept or precepts, under their hands and seals, for any person or persons whatsoever, and for such books, papers, writings, or records, as they shall judge necessary for their information in the execution of the powers vested in the said commissioners by this act; and the said commissioners, or any two or more of them, are hereby authorized to appoint and employ such clerks, messengers, and officers as they shall think meet, and to give to every of the said clerks and officers an oath for his true and faithful demeanor, in all things relating to the due performance of the trust reposed in him by the said commissioners, and in all other things touching the premises; which clerks and officers are hereby required faithfully to execute and perform the trust in them severally and respectively reposed, without taking any thing for such their service, other than such salary or rewards as the said commissioners, or any two or more of them, shall think fit to direct and appoint in that behalf.

to appoint clerks, &c.

V. And be it enacted by the authority aforesaid, That if it shall have appeared to the commissioners appointed by the said recited act, or shall hereafter appear to the commissioners appointed by this act, that any person hath delivered, or shall hereafter deliver to them, an account or claim beyond the real loss sustained by him or her, with an intent to obtain more than a just compensation; and if the said commissioners, or any two or more of them, shall have been or shall hereafter be of opinion that such account or claim was or is fraudulent, then such person so having claimed, or who shall hereafter so claim, shall be absolutely excluded from any compensation or provision whatsoever.

Persons delivering in fraudulent claims to be excluded from any compensation.

VI. And be it further enacted by the authority aforesaid, That in case any person or persons, upon examination upon oath before the said commissioners, or any two or more of them respectively, as before mentioned, shall wilfully and corruptly give false evidence, every such person so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable to.

Persons giving false evidence to be liable to the penalties of perjury.

VII. And whereas by an act made in the twenty-third year of the reign of his present Majesty, (intituled, An act for appointing commissioners to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British government), it was enacted, That no claim or request of any person or persons for aid or relief, on account of the loss of any property during the late dissensions in America, should be received after the twenty-fifth day of March, one thousand seven hundred and eighty-

Limitation of the time for receiving claims.
23 Geo. 3. c. 80.

four: and whereas it may happen that several persons may be deprived of the relief intended by the said act, by reason of their having been incapable of preferring their claims during the time allowed by the said act; be it therefore enacted, That the said commissioners, or any two or more of them, are hereby impowered to receive the claim or claims of any person or persons who shall, upon oath, prove to the satisfaction of the said commissioners, or any two or more of them, that such person or persons was or were absent from the kingdoms of *Great Britain* and *Ireland*, and by unavoidable accident, or particular circumstances, to be judged of by the said commissioners, or any two or more of them, was or were utterly incapable of preferring his, her, or their claim or claims, during the time allowed by the said act; provided that no such claim or claims shall be received after the first day of *May*, one thousand seven hundred and eighty-six.

Commissioners appointed to go to the colonies in *America* to enquire into claims;

VIII. And whereas several persons, resident in *Nova Scotia*, and other of his Majesty's colonies in *America*, have preferred claims to the commissioners appointed by the said recited act, or may hereafter prefer claims under this act; and whereas it may be attended with great inconvenience to such persons to come to *Great Britain* to substantiate such claims; be it therefore enacted, That colonel *Thomas Dundas*, and *Jeremy Pemberton* esquire shall, and they are hereby directed and required to repair to *Nova Scotia*, or any other of his Majesty's colonies in *America*, to enquire into such claims, with the same powers and authorities for enquiring into such claims as the commissioners appointed by the said recited and this present act, for enquiring into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in *America*, in consequence of their loyalty to his Majesty, and attachment to the *British* government, are invested with; and in case the said commissioners shall differ in opinion with respect to any claim, then, in such case, it shall be lawful for the said commissioners to call to their assistance the governor of any colony to which they may judge it necessary to repair; and the said governor agreeing in opinion with either of the said commissioners, shall decide the matter or question in dispute; and in case of the death of either of them the said *Thomas Dundas* or *Jeremy Pemberton*, that then the governor of the colony, where such enquiry shall from time to time be carried on, shall be added to and joined with the survivor of them the said *Thomas Dundas* and *Jeremy Pemberton*, and shall be invested with the same powers and authorities as the person so dying is hereby invested with.

and in case of difference of opinion, to require the assistance of the governor, who, in case of the death of a commissioner, is to supply his place.

Commissioners may appoint persons to travel in *America* to enquire into facts.

IX. And be it enacted, That the said commissioners, or any two of them, are hereby empowered, if they shall think proper, to appoint, under their hands and seals, a proper person or persons to repair to any part of the United States of *America*, to enquire into such facts and circumstances as they may think material

material for the better afcertaining the feveral claims which have been, or fhall be prefented under the authority of this or any former act.

X. And whereas an act was paffed in the fixteenth year of his prefent Majefty, intituled, An act to prohibit all trade and intercourfe with the colonies of New Hampshire, Maffachufet's Bay, Rhode Ifland, Connecticut, New York, New Jerfey, Penfylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of the prefent rebellion within the faid colonies refpectively; for repealing an act, made in the fourteenth year of the reign of his prefent Majefty, to difcontinue the landing and difcharging, lading or fhipping, of goods, wares, and merchandize, at the town and within the harbour of Boston, in the province of Maffachufet's Bay; and alfo two acts, made in the laft feflion of parliament, for reftaining the trade and commerce of the colonies in the faid acts refpectively mentioned; and to enable any perfon or perfons, appointed and authorized by his Majefty to grant pardons, to iffue proclamations, in the cafes, and for the purpofes therein mentioned; whereby it was enacted, That all trade and commerce fhould be prohibited with the colonies therein mentioned, and that all fhips and veffels of or belonging to the inhabitants of the faid colonies, together with their cargoes, apparel, and furniture, and all other fhips and veffels whatfoever, together with their cargoes, apparel, and furniture, which fhould be found trading, in any port or place of the faid colonies, or going to trade, or coming from trading in any fuch port or place, fhould become forfeited to his Majefty, as if the fame were the fhips and effects of open enemies, and fhould be fo adjudged and taken in all courts of admiralty, and in all other courts whatfoever: and whereas veffels, effects, goods, or merchandize, belonging to inhabitants of the faid colonies, who were loyal fubjects to his Majefty, may have become forfeited, and may have been adjudged and condemned as lawful prize under the faid act; be it enacted by the authority aforefaid, That it fhall and may be lawful to and for the commissioners appointed by this act, to enquire into loffes fuftained in confequence of the faid act, by any fuch inhabitants, who fhall give fufficient proof, to the fatisfaction of the faid commissioners, of their loyalty to his Majefty, and attachment to the *British* government.

XI. And be it further enacted, That the faid commissioners fhall, from time to time, at their difcretion, or as often as they fhall be thereunto required, and as foon as poffible after the determination of their examinations and proceedings, by virtue of this act, without any further requifition, give an account of their proceedings, in writing, to the lords commissioners of his Majefty's treasury, and to his Majefty's principal fecretaries of ftate for the time being.

XII. And be it further enacted, That the lords commissioners of the treasury, or lord high treafurer for the time being, are hereby authorized and required to iffue and caufe to be paid all fuch fums of money, not exceeding two thoufand

Commissioners to enquire into loffes fuftained in confequence of an act 16 Geo. 3. c. 5.

Commissioners to give an account of their proceedings to the treafury and fecretaries of ftate.

Treafury to iffue 2,000l. to the commissioners;

for paying
clerks, &c.

pounds *per annum*, to such person or persons as the said commissioners, or any two or more of them; shall, by writing under their hands, desire or direct, out of any part of the publick monies remaining in his Majesty's exchequer; which sum so issued and paid, shall be employed for the payment of clerks, messengers, and other officers, and in defraying all other necessary charges in or about the execution of the powers of this act, and in such manner, and in such proportions, as shall be appointed by the said commissioners, or any two or more of them, by writing under their hands and seals in that behalf, the same to be accounted for by the person or persons to whom the same shall be issued and paid, according to the course of his Majesty's exchequer, without any fee or other charges to be taken or demanded for the issuing and payment of the same, or on the passing of the said accounts, other than such sum as the said commissioners, or any two or more of them, shall appoint; and which money so issued shall not be subject to any tax, duty, rate, or assessment whatsoever, imposed by authority of parliament.

Commissioners may receive half pay on taking the following

XIII. Provided always, and be it enacted, That any of the said commissioners being on half pay, as an officer of the navy or army, shall be intitled to receive such half pay, notwithstanding any compensation that may be made to him for executing the powers of this act, on his taking the following oath before some justice of the peace, who is hereby impowered to administer the same;

oath.

I A. B. do swear, That I had not, between *any* place or employment of profit, civil or military, under his Majesty, besides such compensation as shall have been or may be made to me as a commissioner for enquiring into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British government.

And the taking the said oath shall be sufficient to intitle such person to receive his half pay, without taking any other oath; any law, usage, or custom, to the contrary thereof notwithstanding.

In case of the death, &c. of a commissioner during the recess of parliament, his Majesty may appoint another.

XIV. And be it further enacted by the authority aforesaid, That in case of a vacancy or vacancies, by death or resignation, of any one or more of the said commissioners, during the recess of parliament, it shall and may be lawful for his Majesty to nominate and appoint such person or persons as he may think proper to supply such vacancy or vacancies; and that every person, so nominated and appointed, shall be held and considered to be invested with all the same powers as are delegated to the commissioners appointed by this act.

Continuance of the act.

XV. And be it further enacted, That this act shall continue in force for one year, from the fifteenth day of July, one thousand seven hundred and eighty-five, and no longer.

CAP.

C A P. LXXVII.

An act to amend so much of an act, passed in the fourteenth year of the reign of his present Majesty, for the further and better regulation of buildings and party walls; and for the more effectually preventing mischiefs by fire within the cities of London and Westminster, and the liberties thereof, and other the places therein mentioned, as relates to manufactories of turpentine; for extending the provisions of the said act, so amended, to manufactories of pitch, tar, and turpentine, throughout that part of Great Britain called England; and for indemnifying the proprietor of a turpentine manufactory in Potter's Fields, in the borough of Southwark, against the penalties he may be liable to under the said act; and for excepting, for a limited time, his said manufactory from the provisions herein contained.

WHEREAS by a clause in an act, passed in the fourteenth year Preamble.

of the reign of his present Majesty King George the Third, intituled, An act for the further and better regulation of buildings and party walls; and for the more effectually preventing mischiefs by fire within the cities of London and Westminster, and the liberties thereof, and other the parishes, precincts, and places, within the weekly bills of mortality, the parishes of Saint Mary-le-bon, Paddington, Saint Pancras, and Saint Luke at Chelsea, in the county of Middlesex: and for indemnifying, under certain conditions, builders and other persons against the penalties to which they are or may be liable for erecting buildings within the limits aforesaid contrary to law; it is enacted, That turpentine shall not be distilled or boiled, nor oil of turpentine and rosin drawn by distilling turpentine, nor oil and turpentine be boiled together, in a larger quantity than ten gallons, within the limits aforesaid, in any workhouse or place contiguous to any other building, or in any place nearer to any other building than the distance of fifty feet at the least, under the penalties therein mentioned: and whereas the said distance of fifty feet is too small for the effectually preventing of accidents by fire from such manufactories, and it is proper that the same should be enlarged, and that the provision of the said clause so altered should be extended to manufactories of pitch and tar, and turpentine, throughout the kingdom; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the provision in the said recited act, respecting the making of turpentine, shall be, and the same is hereby repealed; and that, from and after the first day of August, one thousand seven hundred and eighty-five, it shall not be lawful for any person or persons, within that part of Great Britain called England, to distil or boil any turpentine or tar, or to draw any oil of turpentine and rosin by distilling turpentine, or to draw any oil of tar or pitch by distilling or boiling tar, or to boil any oil and turpen-

Recital of
14 Geo. 3. c.
78.

From Aug. 1,
1785. no turpentine, etc. shall be boiled within 75 feet of any other building;

on penalty of
100l.

turpentine together, or to boil any oil and tar together, above the quantity of ten gallons at one time, of all or any of the said commodities, in any workhouse or place contiguous to any other building, or in any place nearer to any other building than the distance of seventy-five feet at the least, (except in houses or buildings now in use for carrying on such manufactories, and now legally intituled to be used for those purposes), upon pain that every person offending therein shall, for every such offence, forfeit and pay the sum of one hundred pounds; which forfeitures shall and may be recovered, with treble costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed, one moiety whereof shall go to the use of the poor of the parish, precinct, or place wherein the offence shall have been committed, and the other moiety thereof to such persons as shall sue for the same.

Exception in
favour of
shipwrights,
&c.

II. Provided always, That nothing in this act contained shall extend, or be construed to extend, to prevent ship-wrights, barge-builders, boat-builders, or mast-makers, or other persons employed in building or repairing ships, barges, boats or other vessels, from boiling or mixing oil, and other materials, for the purpose of paying ships, barges, boats, or masts,

Proprietor of
the manufac-
tory in Pot-
ter's Fields,
exempted
from any pe-
nalty that
might be in-
curred under
14 Geo. 3.
c. 78.

7Annæ; c.17.

III. *And whereas doubts may arise, whether the proprietor of a certain manufactory of turpentine, pitch, and tar, situate in Potter's Fields, in the parish of Saint John Horsley Down, in the borough of Southwark, which manufactory was expressly excepted from the provisions of an act passed in the seventh year of the reign of Queen Anne, intituled, An act for making more effectual an act, made in the sixth year of her Majesty's reign, for the better preventing of mischiefs that may happen by fire, but which exception was repealed by the said recited act of the fourteenth year of the reign of his present Majesty, may not have incurred the penalties by the said last mentioned act, inflicted on persons carrying on the manufactory of turpentine in houses situate within less than fifty feet of any other building: and whereas the proprietor of the said manufactory, not having received any compensation for being deprived, by the said last mentioned act, of the exception in favour of his premises, contained in the said act of the seventh year of the reign of Queen Anne, and the same having been repealed, without his knowledge and consent, it is reasonable that he should be indemnified from any penalties he may have incurred, by carrying on his business at his said manufactory, since the passing of the said last mentioned act; be it therefore enacted by the authority aforesaid, That the proprietor of the said manufactory of turpentine shall be, and is hereby indemnified, freed, and discharged from and against all penalties and forfeitures by him incurred, under or by virtue of the said recited act of the fourteenth year of the reign of his present Majesty, any thing therein contained to the contrary thereof in any wise notwithstanding.*

IV. *And whereas the proprietor of the said manufactory hath agreed*

agreed to accept a compensation for discontinuing the whole of his manufactory, as well that of pitch and tar as that of turpentine, at the place by him now occupied in Potter's Fields aforesaid, be it therefore further enacted, That it shall be lawful for the proprietor of the said manufactory to continue carrying on the same, for and during the space of six calendar months, and no longer; and that from thenceforth it shall not be lawful for any person or persons to carry on any manufacture of pitch, tar, or turpentine, on the site of the said manufactory in Potter's Fields, except in houses or buildings constructed and continued in such form and manner as is by this act directed and required with respect to manufactories of pitch, tar, and turpentine, hereafter to be made or erected.

Proprietor of manufactory in Potter's Fields may carry on his work for six months longer.

V. And be it further enacted, That no action or prosecution shall be brought or commenced against any person or persons, for any penalty inflicted or to be incurred by virtue of this act, unless the same shall be commenced within six calendar months next after such penalty shall have been incurred.

Limitation of actions.

VI. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

Publick act.

C A P. LXXVIII.

An act for granting to his Majesty additional duties on hawkers, pedlars, and petty chapmen; and for regulating their trade.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, towards raising the necessary supplies which we have freely granted to your Majesty in this session of parliament, have resolved to give and grant unto your Majesty the several additional and new rates and duties hereafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of August one thousand seven hundred and eighty-five, there be raised, answered, and paid, to and for the use of his Majesty, his heirs and successors, the additional and new rates and duties following; that is to say,

Preamble.

From Aug. 1, 1785, the following duties shall be paid by hawkers and pedlars, etc.

By every hawker, pedlar, petty chapman, and every other trading person or persons, going from town to town, or to other men's houses, and travelling either on foot, or with horse, horses, or otherwise, in England, Wales, or the town of Berwick upon Tweed, carrying to sell, or exposing to sale, any goods, wares,

By every hawker, &c. an additional duty of 4l. per ann.

wares, or merchandizes, an additional duty of four pounds for each year :

By every hawker, &c. travelling with a horſe, or other beaſt of burthen, a further duty of 8l. per ann. for each beaſt.

Any hawker, etc. ſelling goods by auction to forfeit 50l. for each offence, 9 & 10 Gul. 3. c. 27.

By every perſon ſo travelling with a horſe, aſs, or mule, or other beaſt bearing or drawing burthen, the additional ſum of eight pounds yearly for each beaſt he or ſhe ſhall ſo travel with, over and above the ſaid firſt mentioned duty, and over and above all other duties now payable by him or her.

II. And be it enacted by the authority aforeſaid, That nothing in this act, or in a certain act made at a ſeſſion of parliament held in the ninth and tenth years of the reign of his late majeſty King *William* the Third, (intituled, *An act for licensing hawkers and pedlars, for a further proviſion of intereſt for the tranſport debt for reducing of Ireland,*) ſhall extend, or be conſtrued to extend, to authoriſe or impower any hawker, pedlar, petty chapman, or any other trading perſon or perſons, going from town to town, or to other men's houſes, or travelling either on foot, or with horſe or horſes, or opening a room or ſhop, and expoſing to ſale any goods, wares, or merchandizes by retail, in any town, pariſh, or place, ſuch perſon not being a houſholder there, or the ſame not being an uſual place of his or her abode, or of his or her carrying on buſineſs, to vend or ſell, from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and eighty-fix, any goods or merchandizes whatſoever, by outcry, knocking down of hammer, candle, lot, parcel, or any other mode of ſale at auction, or whereby the beſt or higheſt bidder is or ſhall be deemed to be the purchaſer; but that every perſon and perſons whatſoever, going from town to town, or to other men's houſes, and travelling either on foot or with horſe, horſes, or otherwiſe howſoever, in *England, Wales,* or the town of *Berwick upon Tweed*, carrying to ſell, or expoſing to ſale, any goods, wares, or merchandizes, either on his, her, or their own account, or by, for, or upon commiſſion, or otherwiſe howſoever, who ſhall, from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and eighty-fix, vend or ſell, or expoſe or offer to ſale, any goods, wares or merchandizes, either on his, her, or their own account, or by commiſſion, or otherwiſe, by outcry, knocking down of hammer, candle, lot, parcel, or any other mode of ſale at auction, or whereby the beſt or higheſt bidder is or ſhall be deemed to be the purchaſer, ſhall forfeit and pay, for every offence, the ſum of fifty pounds, to be recovered and applied as herein-after is mentioned.

After Aug. 1, 1785, the whole of the former duties, and the preſent additional ones, muſt be paid on taking out the

III. And be it further enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-five, every hawker, pedlar, petty chapman, and other trading perſon or perſons, ſo travelling as aforeſaid, ſhall, at the time of receiving his or her licence, as hereafter mentioned, and without any diſcount whatſoever, pay all duties granted or made payable by the ſaid act, made in the reign of his ſaid late majeſty King *William* the Third; and all

all duties granted, imposed, or mentioned in and by this present act, payable or imposed upon him or her respectively, to the commissioners for the time being for licensing hawkers, pedlars, and petty chapmen, or some person or persons authorised or deputed by them, or the major part of them, in writing under their hands and seals; and upon payment thereof, and not otherwise, a licence shall be granted to them, subscribed by the said commissioners for the time being, or any two of them, for him or her to travel and trade according to the true intent and meaning of this and the said act made in the reign of King *William* the Third, and according to the duties which shall then be paid upon receiving such licence.

licence, without any discount.

IV. And be it further enacted, That if any such hawker, pedlar, or petty chapman, or other trading person, so travelling as aforesaid, shall, from and after the said first day of *August*, one thousand seven hundred and eighty-five, be found trading as aforesaid, without, or contrary to, or otherwise than as shall be allowed by such licence, such person shall, for each and every such offence, forfeit the sum of ten pounds, to be recovered and applied as hereafter mentioned; and that if any person, so trading under and by virtue of any licence to him or her granted as aforesaid, upon demand made by any person or persons authorised or appointed to demand any such licence by the commissioners for licensing hawkers, pedlars, and petty chapmen for the time being, or any two of them, under their hands and seals, and upon producing or shewing such authority or appointment to such person so trading as last aforesaid, or upon demand made by any justice of the peace, mayor, or constable, or other officer of the peace of any county, riding, division, town corporate, borough, or place, where he or she shall so trade, shall refuse to produce and shew his or her licence for so trading as aforesaid, or shall not have his or her licence for so trading as aforesaid ready to produce and shew unto such person authorised or appointed as last aforesaid, or unto such justice of the peace, mayor, constable, or other officer of the peace; that then the person so refusing shall forfeit ten pounds, to be recovered and applied as herein-after mentioned, and for nonpayment thereof shall suffer as a common vagrant and be committed to the house of correction.

Every dealer travelling without licence forfeits 10l.

Every hawker refusing to produce his licence when required by an authorised person, forfeits 10l.

V. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall forge or counterfeit any licence or licences by this act directed to be granted, or travel with such forged or counterfeited licence or licences, for any of the purposes aforesaid, every such person shall, for every such offence, forfeit the sum of one hundred pounds, to be recovered and applied as herein-after is directed.

Every person travelling with a forged licence forfeits 100l.

VI. And be it further enacted by the authority aforesaid, That, from and after the said first day of *August*, one thousand seven hundred and eighty-five, in case any person shall let out to hire, or lend any licence to him or her granted as aforesaid, or shall trade with or under colour of any li-

Every person lending, or letting his licence to hire, after Aug. 1, 1785, forfeits 10l. and his licence.

licence granted unto any other person whatsoever, or of any licence in which his or her own real name shall not be inserted as the name of the person to whom the same is granted, the person letting out to hire, or lending any such licence, and the person so trading with or under colour of any licence granted to any other person, or any licence in which his or her own real name shall not be inserted as the name of the person to whom the same is granted, shall each of them forfeit the sum of ten pounds, to be recovered and applied as herein-after mentioned: and in case any person shall be convicted, or have judgement against him for lending his or her licence to any other person or persons, contrary to this act, such his or her licence shall be from thenceforth forfeited and void, and he or she shall be utterly incapable of having any licence again granted to him or her to trade as aforesaid.

Every person trading without licence, or refusing to produce one, liable to be detained till the rol. is paid.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons whatsoever to seize and detain any such hawker, pedlar, petty chapman, or other trading person as aforesaid, who shall be found trading without a licence, contrary to this act, or who being found trading shall refuse or neglect to produce a licence according to this act, after being required so to do for a reasonable time, in order to give notice to a constable, headborough, tithing-man, or other peace officer or officers, who are hereby required to carry such person so seized, unless they shall in the mean time produce their respective licences, before some of his Majesty's justices of the peace of the county or place where such offence or offences shall be committed; which said justice of the peace is hereby authorised and strictly required, either upon confession of the party offending, or due proof by witnesses upon oath, (which he is hereby empowered to administer), that the person so brought before him had so traded as aforesaid; and in case no such licence shall be produced by such offender before the said justice, by warrant under his hand and seal, to cause the said sum of ten pounds to be forthwith levied by distress and sale of the goods, wares, or merchandises of such offender or offenders, or of the goods with which such offender or offenders shall be found trading as aforesaid, rendering the overplus, if any be, to the owner or owners thereof, after deduction of the reasonable charges for taking the said distress, and out of the said sale to pay the said respective penalties and forfeitures aforesaid.

Every constable, etc. refusing to assist in the execution of this act, to forfeit rol. for each offence.

VIII. And be it further enacted by the authority aforesaid, That if any constable, headborough, or tithingman, or other officer or officers of the peace, shall refuse and neglect, upon due notice, or on his or their own view, to be aiding and assisting in the execution of this or the said recited act, being thereunto required, each and every such officer or officers, being thereof convicted by the oath of one or more credible witnesses or witnesses, before any justice of the peace for the county or place where the offence shall be committed, shall forfeit, for each

each and every fuch offence contrary to this act, the fum of ten pounds, to be recovered and applied as hereafter mentioned.

IX. And be it further enacted by the authority aforefaid, That no hawker, pedlar, petty chapman, or any other trading perfon or perfons, going from town to town, or to other men's houfes, or travelling either on foot, or with horfe or horfes, or opening a room or fhop, and expofing to fale any goods, wares, or merchandizes by retail, in any town, parifh, or place, fuch perfon not being a houfeholder there, or the fame not being an ufual place of his or her abode, or of his or her carrying on bufinefs, fhall vend, fell, or expofe to fale, any goods, wares, or merchandizes whatfoever, in any city or market town in *England, Wales, or the town of Berwick upon Tweed*, or within the diftance of two miles from the middle of the moft central market place, by the ufual or moft common road, of any fuch city or market town; and in cafe any fuch perfon or perfons fhall vend, fell, or expofe to fale, any goods, wares, or merchandizes whatfoever, in any city or market town in *England, Wales, or the town of Berwick upon Tweed*, (except as before excepted), every fuch perfon fhall forfeit and pay, for every fuch offence, the fum of ten pounds, to be recovered and applied as herein-after is mentioned.

Every hawker expofing to fale any goods, wares, etc. in any city or market town, or within two miles thereof, forfeits 10l.

X. Provided always, and it is hereby enacted, That nothing herein contained fhall extend, or be conftrued to extend, to hinder any perfon or perfons from felling, or expofing to fale, any forts of goods or merchandizes in any publick mart, market, or fair, but that fuch perfon may do therein as they lawfully might have done before the making of this act; any thing herein before contained to the contrary notwithstanding.

except it be on a fair or market day.

XI. Provided always, and be it further enacted, That it fhall not be lawful for any hawker, pedlar, petty chapman, or other trading perfon, travelling as aforefaid, to vend his or her goods or wares, in any county, or city being a county of itfelf, or town being a county of itfelf, in *England or Wales*, by virtue of any fuch licence as aforefaid, in cafe the juftices, affembled at the general quarter feflions of the peace, fhall have made an order that hawkers, pedlars, petty chapmen, and other trading perfons as aforefaid, fhall not have liberty to vend their goods and wares in fuch county, city, or town, upon pain of forfeiting, for every fuch offence, the fum of ten pounds; and that no fuch order fhall at any time be made, except at the quarter feflions next after *Michaelmas*, to be holden for fuch county, city, or town, and fhall not be in force until nine months after notice fhall have been given of the fame in fome publick newfpaper, published or circulated in fuch county, city, or town refpectively.

No hawker to vend his goods in any county, etc. in cafe the juftices, at the general quarter feflions, fhould have made an order to the contrary.

XII. Provided always, and be it further enacted, That if any hawker, pedlar, or petty chapman, or other trading perfon, fhall vend any goods, wares, or merchandizes, in any fuch county, city, town, or place, contrary to any of the provifions in this act contained, fuch hawker, pedlar, or petty chapman, or

Perfons offending to be liable to the like penalties as hawkers travelling without licence.

or other trading person, shall be subject and liable to the like penalties as is by this act inflicted on hawkers, pedlars, or petty chapmen, or other trading persons, travelling without licence:

Hawkers, etc. who were licensed on June 23, 1785, may set up any business in the place where they are resident inhabitants, though not brought up thereto, and may employ therein persons who have not been apprentices.

XIII. And be it further enacted, That from and after the first day of August, one thousand seven hundred and eighty-five, it shall be lawful for any person or persons who, on the twenty-third of June, one thousand seven hundred and eighty-five, was or were duly licensed to trade as hawkers and pedlars, to set up, occupy, use, or exercise any craft, mystery, or occupation used or occupied within this realm, in any place where they shall be resident inhabitants, although they shall not have been brought up in such craft, mystery, or occupation, seven years as apprentices, and also to set any person on work, in such craft, mystery, or occupation, although such person shall not have been apprentice therein as aforesaid, any penalty, matter, or thing, contained in an act, passed in the fifth year of the reign of Queen Elizabeth, intituled, *An act containing divers orders for artificers, labourers, servants of husbandry, and apprentices*, to the contrary notwithstanding; and that if any such persons, or their wives or children, shall be prosecuted for using or exercising any such craft, mystery, or occupation, in any city, town, or place, and shall make it appear that they had such licence as aforesaid, they shall, upon the general issue pleaded, be found not guilty, in any action, bill, plaint, information, or indictment, for such cause exhibited against them; and in all cases where costs are allowed, such persons, so acquitted, shall be intitled to and shall receive double costs; and that no such persons, their wives, or children, during the time they shall use and exercise such craft, mystery, or occupation, in any parish or place, shall be removeable therefrom to his, her, or their last legal place of settlement, until such person or persons shall become actually chargeable to such parish or place; any law now in being, relative to the settlement of the poor, to the contrary thereof notwithstanding.

No wholesale trader in British goods to be deemed a hawker, etc.

XIV. Provided always, and it is hereby enacted, That no person, being a wholesale trader in *English* bone-lace, in woollen, linen, silk, cotton, or mixed goods, or any of the goods, wares, or manufactures of *Great Britain*, and selling the same by wholesale, shall be deemed or taken to be a hawker, pedlar, or petty chapman, within the intent and meaning of this or of any other act relative to hawkers, or of any or either of them; and that all and every such person or persons, his, her, or their children, apprentices, servants, or agents, selling by wholesale only, shall go from house to house, and from shop to shop, to any of their customers who sell again by wholesale or retail, without being subject or liable to any of the penalties or forfeitures contained in this or in any of the said acts touching hawkers, pedlars, or petty chapmen; any thing in this or in any of the said acts contained to the contrary notwithstanding.

This act not to extend to

XV. Provided always, and it is hereby enacted, That nothing in this act shall extend, or be construed to extend, to prohibit

prohibit any perfon or perfons from felling any printed papers licensed by authority, or any fifh, fruits, or victuals, nor to hinder any perfon or perfons who are the real workers or makers of any goods, wares, or manufactures of *Great Britain*, or his, her, or their children, apprentices, agents, or fervants to fuch real workers or makers of fuch goods, wares, or manufactures only, from carrying abroad, expofing to fale, and felling by retail or otherwife, any of the faid goods, wares, or manufactures, of his, her, or their own making, in any mart, market, or fair, and in every city, borough, town corporate, and market town; nor any tinkers, coopfers, glaziers, plumbers, harners-menders, or other perfons ufually trading in mending kettles, tubs, houfehold goods, or harners whatfoever, from going about and carrying with him or them proper materials for mending the fame.

certain per-
fons as herein
defcribed.

XVI. And be it further enacted, That all pecuniary penalties, which fhall be incurred under this act, of a greater fum than twenty pounds, fhall be recovered, together with cofts of fuit, in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein no effoin, protection, privilege, or wager of law, or more than one imparlance, fhall be allowed; and one moiety of every fuch penalty or forfeiture fhall belong to his Majesty, his heirs and fucceffors, and the other moiety thereof to the perfon or perfons who fhall inform or fue for the fame.

How penal-
ties above 20l.
are to be re-
covered and
appropriated.

XVII. And be it further enacted, That in all cafes where the pecuniary penalty by this act impofed doth not exceed the fum of twenty pounds, it fhall be recoverable before one of his Majesty's juftices of the peace of the county, riding, fhire, divifion, city, liberty, town, or place wherein the offence fhall be committed, on proof of the offence, either by voluntary confeffion of the party or parties accused, or by the oath of one or more credible witnefs or witneffes; and one moiety of every fuch laft mentioned penalty fhall belong to his Majesty, his heirs and fucceffors, and the other moiety to the informer or informers profecuting for the fame; and in cafe of nonpayment fhall be levied by diftreff and fale of the offender's goods and chattels, by warrant under the hand and feal of fuch juftice; and the overplus of the money raifed, after deducting the penalty, and the expences of the diftreff and fale, fhall be rendered to the owner, and, for want of fufficient diftreff, the offender fhall be fent by fuch juftice to the prifon of fuch county, fhire, divifion, city, liberty, town, or place, for fuch time, not exceeding fix months, nor lefs than one month, as fuch juftice fhall think moft proper.

How penal-
ties under 20l.
are to be re-
covered and
appropriated.

XVIII. And be it further enacted, That if any perfon or perfons fhall find himfelf or themfelves aggrieved by the judgement of any fuch juftice, then he or they fhall and may, upon giving fequity to the amount of the value of fuch penalty and forfeiture, together with fuch cofts as fhall be awarded in cafe fuch judgement fhall be affirmed, appeal to the juftices of the

Persons ag-
grieved may
appeal to the
quarter feff-
ions.

peace at the next general quarter feflions for the county, riding, or place, who are hereby empowered to fummon and examine witnefles upon oath, and finally to hear and determine the fame; and in cafe the judgement of fuch juftice fhall be affirmed, it fhall be lawful for fuch juftices to award the perfon or perfons to pay fuch cofts occafioned by fuch appeal, as to them fhall feem meet.

All the powers contained in 8 & 9 Gul. 3. c. 27. etc. relating to the duties granted by that act. (except, etc.)

XIX. And be it further enacted, by the authority aforefaid, That all and every the powers, authorities, directions, rules, methods, penalties, and forfeitures, exemptions, clauses, matters, and things whatsoever, which in and by the faid act, made in the reign of King *William* the Third, or by any other law now in force relating to or concerning the duties by that act granted, are provided, fettled, or eftablifhed, other than fo far as the fame is, are, or fhall be inconsistent with, or contradictory or repugnant to, any thing in this act contained, and other than in fuch cafes for which different provisions are prefcribed by this act, fhall be exercifed, praftifed, applied, ufed, and put in execution, in and for the managing, raifing, levying, collecting, recovering, and paying, the feveral duties hereby granted, and be in force with refpect to the fame, as fully and effectually, to all intents and purpofes, as if all and every the faid powers, authorities, directions, rules, methods, penalties, forfeitures, exemptions, clauses, matters, and things, were particularly repeated and again enacted in this prefent act.

fhall be applied in execution of this act.

Penalty on witnefles who fhall neglect to appear, etc.

XX. And be it further enacted, That if any perfon or perfons fhall be fummoned as a witnefs or witnefles to give evidence before any juftice or juftices of the peace touching any of the matters relative to this act, or to the herein-before mentioned act, made in the reign of King *William* the Third, and fhall neglect or refufe to appear at the time and place to be for that purpofe appointed, without a reasonable excufe for fuch neglect or refufal, to be allowed of by fuch juftice or juftices of the peace, or appearing, fhall refufe to be examined upon oath, and give evidence before fuch juftice or juftices of the peace before whom the profecution fhall be depending, that then every fuch perfon fhall forfeit, for every fuch offence, the fum of ten pounds, to be recovered, levied, and paid, in fuch manner, and by fuch means, as are herein directed as to the other penalties.

Duties to be paid into the exchequer;

XXI. And be it further enacted by the authority aforefaid, That the feveral duties herein-before granted fhall be paid from time to time into the hands of the cashier for the time being of the duties on hawkers, pedlars, and petty chapmen, who fhall keep a feperate and diftinct account of the feveral rates and duties, and pay the fame (the neceffary charges of raifing, paying, and accounting for the fame, being deducted) into the receipt of the exchequer, at fuch time, and in fuch manner, as the duties now charged on hawkers, pedlars, and petty chapmen, are directed to be paid; and that in the office of the auditor of the faid receipt fhall be provided and kept a book or books, in which all the monies arifing from the faid feveral rates and du-

and entered feperate from all others.

ties,

ties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money so paid into the said receipt of exchequer as aforesaid, shall be a fund for the payment of the several annuities, and all other charges and expenses as are directed to be paid and payable pursuant to an act of this present session of parliament, intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures.*

Application thereof.

XXII. And be it further enacted, That if any person or persons shall at any time or times be sued, molested, or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or judgement shall be recovered against him or them upon demurrer, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Defendants may plead the general issue,

and recover treble costs.

C A P. LXXIX.

An act for repealing an act, made in the twenty-third year of the reign of his present Majesty, intituled, An act for granting to his Majesty a stamp-duty on licences to be taken out by certain persons uttering or vending medicines; and certain stamp-duties on all medicines sold under such licences, or under the authority of his Majesty's letters patent; and for granting other duties in lieu thereof.

WHEREAS by an act, made in the twenty-third year of the reign of his present majesty King George the Third, intituled, An act for granting to his Majesty a stamp-duty on licences to be taken out by certain persons uttering or vending medicines; and certain stamp-duties on all medicines sold under such licences, or under the authority of his Majesty's letters patent; it was enacted, That, from and after the first day of September, one thousand seven hundred and eighty-three, there should be charged, levied, and paid, unto and for the use of his Majesty, his heirs and successors, the several rates and duties following; (that is to say), all persons (except such as had served a regular apprenticeship to any surgeon, apothecary, druggist, or chemist, or such as had kept a shop for the space of three years before the passing of that act, for the vending of drugs or medicines only, (not being drugs or medicines sold by virtue of his Majesty's letters patent), uttering or vending medicines in Great Britain, should annually take out a licence for that purpose, in manner therein prescribed; and where the persons so uttering or vending drugs or medicines, should reside within the cities of London and Westminster, or within the distance of the penny post, on every such licence there should be charged a stamp duty of twenty shillings; and where the persons, so uttering or vending such

Preamble.

23 Geo. 3.
c. 62.
recited;

drugs or medicines, should reside in any other part of Great Britain, there should be charged on every such licence a stamp duty of five shillings: upon every box, packet, bottle, or phial, or other inclosure of any medicine under the price or value of two shillings and sixpence, which should be uttered, vended, or sold, by any person or persons taking out such licences, or by any person or persons under the authority of his Majesty's letters patent, there should be charged a stamp-duty of three-pence: upon every box, packet, bottle, or phial, or other inclosure of any medicine of the price or value of two shillings and sixpence; and under the price or value of five shillings, which should be uttered, vended, or sold, by any person or persons taking out such licences, or by any person or persons under the authority of his Majesty's letters patent, there should be charged a stamp-duty of sixpence: upon every box, packet, bottle, or phial, or other inclosure of any medicine of the price or value of five shillings and upwards, which should be uttered, vended, or sold, by any persons taking out such licences, or by any persons under the authority of his Majesty's letters patent, there should be charged a stamp-duty of one shilling: now, we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, finding that it will be convenient and for the publick service to repeal the said stamp-duties, so made payable by the said recited act, and to grant unto your Majesty the several new stamp-duties herein-after-mentioned, for securing a certain fund for the payment of such annuities as by the said recited act were charged upon the said stamp-duties; therefore do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of September, one thousand seven hundred and eighty-five, the rates and duties granted by an act, made and passed in the twenty-third year of his present Majesty, intituled, *An act for granting to his Majesty a stamp-duty on licences to be taken out by certain persons uttering or vending medicines; and certain stamp-duties on all medicines sold under such licences, or under the authority of his Majesty's letters patent;* shall cease; determine, and be no longer paid or payable.

and repealed.

From Sept. 1, 1785, the duties following are to be paid, viz.

II. And be it further enacted by the authority aforesaid, That, from and after the said first day of September, one thousand seven hundred and eighty-five, there shall be raised, levied, collected, and paid, throughout the kingdom of Great Britain, unto and for the use of his Majesty, his heirs and successors, the several rates and duties following; (that is to say),

For every packet, etc. of medicines not exceeding 1s. in value, viz. 1d. 2q. :

That, for and upon every packet, box, bottle, phial, or other inclosure containing any drugs, oils, waters, essences, tinctures, powders, or other preparation or composition whatsoever, used or applied, or to be used or applied, externally or internally, as medicines or medicaments for the prevention, cure, or relief of any disorder or complaint incident to, or in any wise affecting the human body, which shall be uttered or vended

vended in *Great Britain*, there shall be charged a stamp-duty according to the rates following; (that is to say,) where the contents of any such packet, box, bottle, phial, or other inclosure aforefaid, shall not exceed the price or value of one shilling, there shall be charged a stamp-duty of one penny half-penny:

And where the contents of any such packet, box, bottle, phial, or other inclosure aforefaid, shall exceed the price or value of one shilling, and not exceed the price or value of two shillings and sixpence, there shall be charged a stamp-duty of three-pence:

And where the contents of any such packet, box, bottle, phial, or other inclosure aforefaid, shall be above the price or value of two shillings and sixpence, and under the price or value of five shillings, there shall be charged a stamp-duty of sixpence:

And where the contents of any such packet, box, bottle, phial, or other inclosure, shall be of the price or value of five shillings or upwards, there shall be charged a stamp-duty of one shilling.

III. Provided always, That nothing herein before contained shall extend, or be construed to extend, to charge with the rates or duties hereby imposed, any drug or drugs named or contained in either of the books of rates; (that is to say), the book of rates, subscribed with the name of *fir Harbottle Grimstone* baronet, and mentioned and referred to by the act of tonnage and poundage, made in the twelfth year of the reign of King *Charles* the Second; or in the other book of rates, intituled, *An additional book of rates of goods and merchandizes usually imported, and not particularly rated in the book of rates referred to in the act of tonnage and poundage, made in the twelfth year of the reign of King Charles the Second, with rules, orders, and regulations, signed by the right honourable Spencer Compton, speaker of the honourable house of commons*, and mentioned and referred to by an act made and passed in the eleventh year of the reign of his majesty King *George* the First; nor to any medicinal drug or drugs whatsoever, which shall be uttered or vended entire, without any mixture or composition with any other drug or ingredient whatsoever, by any surgeon, apothecary, chymist, or druggist, who hath served a regular apprenticeship; or by any person who hath served as a surgeon in the navy or army, under any commission or appointment which shall have been duly entered at the war office or navy office, or by any other person whatsoever licensed in pursuance of this act; but that all such drugs shall and may be uttered and vended by all such surgeons, apothecaries, chymists, and druggists, or other persons licensed as aforefaid, freed and discharged from the rates and duties by this act imposed on drugs, in such manner as they respectively, before the passing of this act, and the said herein recited act, might have done.

Forevery such packet, etc. from 1s. to 2s. 6d. in value, — 3d.

Between 2s. 6d. and 5s. in value, — 6d.

Of 5s. value or upwards, — 1s.

Duties not to extend to articles mentioned in two books of rates, referred to by 12 Car. 2. c. 4. and 11 Geo. 1. c. 7;

nor to un-mixed drugs sold by a regular surgeon, etc.;

nor to mixtures, etc. prepared by regular surgeons, etc. not claiming the secret of, or exclusive right to the preparing the same;

IV. Provided also, That nothing herein-before contained shall extend, or be construed to extend, to charge with the like rates, or duties any mixture, composition, or preparation whatsoever, mixed or compounded with, or prepared from medicinal drugs, medicated or chymical preparations or compositions, or other ingredients bearing different denominations, or having different properties, qualities, virtues, or efficacies, which shall be uttered or vended by any such surgeon, apothecary, chymist, or druggist, as aforesaid, or by any such person who hath served as a surgeon in the navy or army, under any such commission or appointment as aforesaid, the different denominations, properties, qualities, virtues, and efficacies of which mixtures, compositions, and preparations, are known, admitted, and approved of, in the prevention, cure, or relief of any disorder, malady, ailment, or complaint incident to, or in anywise affecting the human body; and wherein the person mixing, compounding, preparing, or uttering or vending the same, hath not, nor claims to have, any occult, secret, or unknown art for the mixing, compounding, or preparing the same, nor hath, nor claims to have, any exclusive right or title to the mixing, compounding, or preparing, or to the vending of the same, and which mixtures, compositions, or preparations, have not been, are not, nor hereafter shall be prepared, uttered, vended, or exposed to sale, under the authority of any letters patent under the great seal, nor at any time heretofore have been, now are, or hereafter shall be, by any publick notice, advertisement, or by written or printed papers or hand bills, held out or recommended to the publick by the makers, proprietors, or venders thereof, as nostrums or proprietary medicines, or as specifics, or otherwise, for the prevention, cure, or relief of any such distemper, malady, ailment, or complaint as aforesaid.

nor sold under letters patent; or advertised as nostrums, etc.

Persons vending preparations liable to duties, to take out an annual licence.

Rates of duties on licences.

V. And be it further enacted by the authority aforesaid, That every person in *Great Britain*, uttering or vending any drugs, oils, waters, essences, tinctures, powders, or other preparations or compositions whatsoever, used or applied, or to be used or applied, externally, or internally, as medicines or medicaments for the prevention, cure, or relief of any disorder or complaint incident to, or in anywise affecting the human body subject to the duties herein-before imposed, shall, annually, take out a licence for that purpose; and that, for and upon every licence so taken out by any such person who shall reside within the cities of *London* or *Westminster*, the borough of *Southwark*, or within the limits of the penny post, or within the city of *Edinburgh*, there shall be charged a stamp-duty of twenty shillings; and for and upon every licence, so taken out by any other such person, there shall be charged a stamp-duty of five shillings.

Duties to be under the management of the commissioners for stamps.

VI. And be it further enacted by the authority aforesaid, That, for the better and more effectual levying and collecting all the said duties herein-before granted, the same shall be under the government, care, and management of the commissioners for the time being appointed to manage the duties charged on stamped

stamped vellum, parchment, and paper; who, or the major part of them, are hereby required and impowered to appoint and employ such officers under them for that purpose, and to allow such salaries and incidental charges as may be necessary, and to provide and use such stamps to denote the said several duties as shall be requisite in that behalf, and to do all other things necessary to be done for putting this act in execution with relation to the said rates and duties herein-before granted, in the like, and in as full and ample manner, as they, or the major part of them, are or is authorised to put in execution any former law concerning stamped vellum, parchment, and paper.

VII. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, any two or more of his Majesty's commissioners appointed for managing the duties arising by stamps on vellum, parchment, and paper, or some person duly authorised by them, shall grant licences to such persons who shall apply for the same, to utter or vend, in any city, town, or other place within *Great Britain*, any drugs, oils, waters, essences, tinctures, powders, or other preparation or composition whatsoever, used or applied, or to be used or applied, externally or internally, as medicines or medicaments for the prevention, cure, or relief of any disorder or complaint incident to, or in anywise affecting the human body, and subject to the duties by this act imposed; and the said licences shall continue in force for the space of one year, commencing from the first day of *September*, one thousand seven hundred and eighty-five, upon all licences to be granted on or before that day; and upon licences to be first granted to any person or persons after the said first day of *September*, one thousand seven hundred and eighty-five, to commence from the day of the date of every such licence; and all and every person and persons, who shall take out such licence for uttering or vending any such drugs, medicines, medicaments, or other preparations or compositions aforesaid, shall take out a fresh licence for another year, ten days at the least before the expiration of that year for which he or she shall be so licensed, if he or she shall continue to utter or sell such drugs, medicines, medicaments, or other preparations or compositions aforesaid; and shall, in like manner, renew such licence, from year to year, paying down the respective sums due for the stamps on such licences, as long as he or she shall continue to utter or vend such drugs, medicines, medicaments, or other preparations or compositions as aforesaid.

Commissioners for stamps to grant licences for one year from Sept. 1, 1785, or any subsequent day.

New licences to be taken out ten days before the old expire.

VIII. And be it further enacted by the authority aforesaid, That, from and after the said first day of *September*, one thousand seven hundred and eighty-five, no person whatsoever shall utter vend, or expose to sale, any drugs, medicines, medicaments, or other preparations or compositions aforesaid, which shall be subject to the duty herein-before imposed, unless he or she shall have first obtained a licence in such manner as is herein-before directed, upon pain to forfeit, for every such offence,

Every person selling medicines liable to duties without a licence, forfeits 5l.

the fum of five pounds, to be recovered and applied as herein-after is directed.

Persons vend-
ing fuch me-
dicines to fend
labels to be
ftamp, which
are to be af-
fixed to the
medicines.

IX. *And, in order to fecure the duty hereby impofed, be it further enacted by the authority aforefaid, That every perfon making, preparing, or vending any fuch drugs, medicines, or medicaments, or other preparations or compositions aforefaid, which are fubject to the duty herein-before impofed, fhall, from time to time, fend, or caufe to be fent, to the faid commiffioners of ftamps, or to their officers appointed by them for that purpofe, paper covers, wrappers, or labels, made for inclofing fuch packets, boxes, bottles, phials, or other inclofures, containing or intended to contain any fuch drugs, medicines, medicaments, or other preparations or compositions aforefaid, with his, her, or their name or names, and any other particular word or thing printed thereon, to denote the value at which the fame are refpectively intended to be fold, in fuch manner and form as the faid commiffioners fhall from time to time direct, in order that the fame may be ftamped with the feveral and refpective duties hereby directed to be impofed, and marked, imprefsed, and diftinguifhed with fuch other mark or device as the faid commiffioners fhall direct, and delivered again from time to time to fuch maker or vender, as occafion fhall require; and all and every the packets, boxes, bottles, or phials, or other inclofures, containing any drugs, medicines, medicaments, or other preparations or compositions aforefaid, uttered, vended, or expofed to fale, by any perfon or perfons whatfoever, fhall have pafed, ftuck, faftened, or affixed thereto, fuch covers, wrappers, or labels, ftamped, marked, imprefsed, and diftinguifhed as aforefaid, in fuch manner as the faid commiffioners fhall from time to time direct.*

A penalty of
5l. on perfons
vending me-
dicines with-
out a label,
etc.

X. *And be it further enacted by the authority aforefaid, That no perfon or perfons fhall utter, vend, or expofe to fale, any packet, box, bottle, or phial, or any other inclofure, containing any drug, medicine, medicament, or other preparation or composition aforefaid, fubject to the ftamp duties hereby impofed, unlefs the cover, wrapper, or label, hereby directed to be pafed, ftuck, faftened, or affixed to the fame, fhall be pafed, ftuck, faftened, or affixed thereto, and marked and ftamped as by this act is directed; or that fhall have any cover, wrapper, or label pafed, ftuck, faftened, or affixed thereto, marked or ftamped with a mark or ftamp, of lefs denomination or value than by this act is directed, under pain that all and every fuch perfon and perfons fo offending fhall forfeit and pay, for every packet, box, bottle, or phial, or other inclofure, containing any fuch drug, medicine, medicament, or other preparation or composition aforefaid, fo uttered, vended, or expofed to fale, the fum of five pounds, to be recovered and applied as herein-after is directed.*

XI. *And, to prevent the cover, wrapper, or label, and the mark or ftamp thereon, hereby directed to be pafed, ftuck, faftened, or affixed to every packet, box, bottle, phial, or other inclofure, con-
taining*

tainig any drug, medicine, medicament, or other preparation or composition aforefaid, from being made ufe of again after they have been fold and difpofed of, to be affixed to other packets, boxes, bottles, phials, or other inclofures, containing any drugs, medicines, medicaments, or other preparations or compositions aforefaid by which practices his Majesty's revenue might be leffened and diminished; be it further enacted by the authority aforefaid, That if any perfon or perfon shall, from and after the firft day of September, one thoufand feven hundred and eighty-five, fraudulently cut, tear, or take off any mark or ftamp, in refpect whereof or whereby any duties are hereby payable, or denoted to be paid or payable to his Majesty, on any packet, box, bottle, or phial, or other inclofure, containing any drug, medicine, medicament, or other preparation or composition aforefaid, fubject to the duties hereby impofed, after the fame fhall have been fold or difpofed of as aforefaid; or fhall fraudulently pafte, flick, faften, or affix to any fuch packet, box, bottle, or phial, any cover, wrapper, or label, fo marked and ftamped as aforefaid, the fame having once been made ufe of for the purpofe aforefaid; or fhall utter, vend, or expofe to fale, any packet, box, bottle, phial, or other inclofure, containing any drug, medicine, medicament, or other preparation, or composition aforefaid, with fuch cover, wrapper, or label, fo fraudulently cut, torn, or taken off as aforefaid, and pafte, ftuck, faftened, or affixed thereto; all and every perfon and perfon fo offending, in any of the particulars before mentioned, fhall, for every fuch offence, forfeit and pay the fum of ten pounds, to be recovered and applied as herein-after is directed.

Persons fell-
ing medicines
with the fame
label a fecond
time etc. for-
feit. 10l.

XII. And, to prevent perfon from fraudulently felling or buying any covers, wrappers, or labels, which have been before made ufe of for denoting any of the duties by this act impofed, or any packets, boxes, bottles, phials, or other inclofures, wherein any drugs, medicines, medicaments, or other preparations or compositions aforefaid, have been contained, and fold and difpofed of with fuch covers, wrappers, or labels, pafte, ftuck, faftened, or affixed thereto; be it further enacted by the authority aforefaid, That if any perfon or perfon shall, from and after the firft day of September, one thoufand feven hundred and eighty-five, fell or buy any fuch cover, wrapper, or label, which hath before been made ufe for the inclofing any packet, box, bottle, or phial, or other inclofure of any drug, medicine, medicament, or other preparation or composition, liable to the duty hereby impofed, in order to be again made ufe of for the like purpofe; or fhall fell or buy any packet, box, bottle, phial, or other inclofure, with fuch cover, wrapper, or label, which hath before been made ufe of as aforefaid, pafte, ftuck, faftened, or affixed thereto; every fuch perfon fo offending fhall, for every fuch offence, forfeit and pay the fum of ten pounds, to be recovered and applied as herein-after is directed.

Persons fell-
ing or buying
labels for the
purpofe of
being ufed a
fecond time,
or buying or
felling any
packet with
fuch a label,
forfeit 10l.

XIII. Provided always, and be it further enacted by the authority aforefaid, That if either the buyer or feller of any fuch

Either buyer
or feller may
fuch

inform againſt
the other, and
be himſelf in-
demnified.

ſuch cover, wrapper, or label, or any ſuch packet, box, bottle, phial, or other incloſure, ſhall inform againſt the other party concerned in buying or ſelling ſuch cover, wrapper, or label, or ſuch packet, box, bottle, phial, or other incloſure, the party ſo informing ſhall be admitted to give evidence againſt the party informed againſt, and ſhall be indemnified from the penalties by him or her incurred, and ſhall receive the ſame benefit and advantage as any other informer ſhall be intitled to by virtue of this act for ſuch information.

Allowances
for prompt
payment of
duties.

XIV. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners for the time being appointed to manage the duties upon ſtamped vellum, parchment, and paper, ſhall allow and pay to every perſon that ſhall be ſupplied with, or ſhall bring any paper covers, or wrappers, or labels as aforeſaid, to the head office of ſtamps, to be ſtamped in purſuance of this act, the duty whereof, hereby impoſed, ſhall amount to the ſum of ten pounds or upwards; after the rate of two pounds in the hundred pounds *per annum*; and if ſuch duty ſhall amount to the ſum of fifty pounds or upwards, after the rate of five pounds in the hundred pounds *per annum*, upon preſent payment of the ſaid duty upon the ſaid paper covers, wrappers or labels, ſo to them ſupplied or by them brought.

Notice of the
place of mak-
ing or vend-
ing medi-
cines, with the
prices, &c. to
be ſent to the
ſtamp-office.

XV. And be it further enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *September*, one thouſand ſeven hundred and eighty-five, every perſon and perſons who ſhall make, prepare, utter, vend, or expoſe to ſale, any ſuch medicines, medicaments, or other preparations or compositions aforeſaid, liable to the duties impoſed by this act, before they reſpectively ſhall make, prepare, utter, vend, or expoſe to ſale, any ſuch medicines, medicaments, or other preparations or compositions aforeſaid, ſhall give or ſend notice in writing of the uſual houſe or place, houſes or places, where they reſpectively ſhall make, prepare, utter, vend, or expoſe to ſale, the ſame; and alſo of all drugs, oils, waters, eſſences, tinctures, powders, and other preparations and compositions ſubject to the duties by this act impoſed, that ſhall be made, prepared, uttered, vended, or expoſed to ſale by them reſpectively, or intended ſo to be; which notice ſhall be given or ſent to the commiſſioners for the time being for managing the duties on ſtamped vellum, parchment, and paper, or to their officers next adjacent to the place where ſuch medicines, medicaments, or other preparations or compositions, ſhall be made, prepared, uttered, vended, or ſold; and the like notice ſhall be given or ſent by every ſuch perſon or perſons as often as they reſpectively ſhall change their places for that purpoſe, or ſhall change or vary the articles, or any of them, in which they ſhall ſo deal; and which notice ſhall contain the true and juſt name and names of all ſuch drugs, oils, waters, eſſences, tinctures, powders, or other preparations or compositions aforeſaid, by which the ſame reſpectively have been, or now are, or at any time hereafter, ſhall be called, known, or diſtinguiſhed, and the kinds

kinds and qualities thereof, and the price or prices at which the fame shall be intended to be vended or expofed to fale, upon pain that every perfon, making default in giving fuch notice as aforefaid, for every fuch offence, fhall forfeit and pay the fum of ten pounds, to be recovered and applied as herein-after is directed.

XVI. *And, in order to obviate any doubts which may arife in the conftruction of this act for want of a particular fpecification, denomination, and enumeration of the different drugs, oils, waters, effences, tinctures, powders, or preparations or compositions which are charged with, or fubject to the rates or duties by this act impofed, or to which the fame fhall extend;* be it declared and further enacted, That the rates and duties hereby impofed on drugs, oils, waters, effences, tinctures, powders, and other preparations or compositions ufed or applied, or to be ufed or applied, as medicines or medicaments for the prevention, cure, or relief of any diftemper, malady, ailment, or diforder, incident to or in any wife affecting the human body, and upon perfons uttering or vending the fame; and all the powers, provifions, articles, claufes, diftributions of penalties and forfeitures, and all other matters and things prefcribed or appointed by this act for the raifing, levying, collecting, and fecuring the faid rates and duties, fhall extend, and be deemed, and adjudged to extend, to charge with the faid rates and duties all and every the article and articles mentioned, named, enumerated, or fpecified in the fchedule hereunto annexed, by the refpective names therein mentioned, or by whatfoever other name or names the fame have heretofore been, now are, or hereafter fhall be called, known, or diftinguifhed; and alfo all pills, powders, lozenges, tinctures, potions, cordials, electuaries, plaifters, unguents, falves, ointments, drops, lotions, oils, fpirits, medicated herbs, and waters, chemical and officinal preparations whatfoever, of the fame or the like properties, qualities, virtues, or efficacies, with thofe articles fo mentioned, named, enumerated, or fpecified therein, or any of them, made, prepared, uttered, vended, or expofed to fale by any perfon or perfons whatfoever, wherein the perfon making, preparing, uttering, vending, or expofing to fale the fame, hath, or claims to have, any occult, fecret, or unknown art for the making or preparing the fame, or hath or claims to have any exclusive right or title to the making or preparing the fame, or which at any time heretofore have been, now are, or hereafter fhall be prepared, uttered, vended, or expofed to fale, under the authority of any letters patent under the great feal, or which at any time heretofore have been, now are, or hereafter fhall be, by any publick notice or advertisement, or by written or printed papers or hand bills, held out or recommended to the publick, by the makers, venders, or proprietors thereof, as noftrums or proprietary medicines, or as fpecifics, or otherwife, for the prevention, cure, or relief of any fuch diftemper, malady, ailment, or complaint as aforefaid; and fhall alfo extend, and be deemed and adjudged to extend, to charge

This act to extend to the fchedule annexed, and to all articles of the like qualities;

and where a fecret art or exclusive right is claimed, or the medicines are advertised as noftrums, &c.

charge with the rates or duties impofed on licences, all and every perfon and perfons refpectively who fhall utter, vend, or expofe to fale, any fuch preparations or compositions as aforefaid.

Perfons counterfeiting marks, &c. guilty of felony.

XVII. And be it further enacted, That if any perfon or perfons fhall counterfeit or forge, or procure to be counterfeit-ed or forged, any feal, ftamp, or mark, directed or allowed to be ufed, or provided, made, or ufed, in purfuance of this act, for the purpofe of denoting the duties by this act granted, or fhall counterfeit or refemble the impreffion of the fame upon any vellum, parchment, or paper, with an intent to defraud his Majefty, his heirs or fucceffors, of any of the faid duties; or fhall utter, vend, or fell any vellum, parchment, or paper, directed to be marked or ftamped with any mark or ftamp provided and ufed in purfuance of this or any other act or acts of parliament, for denoting the duties thereby granted, with a counterfeit mark or ftamp thereupon, knowing fuch mark or ftamp to be counterfeit; or if any perfon fhall privately and fraudulently ufe any feal, ftamp, or mark, directed, or allowed to be ufed by this act, with intent to defraud his Majefty, his heirs or fucceffors, of any of the faid duties; then every fuch perfon fo offending, and being thereof convicted, fhall be adjudged a felon, and fhall fuffer death as in cafes of felony, without benefit of clergy.

Regulations of all former acts, relative to ftamp duties, extended to this act.

XVIII. And be it further enacted by the authority aforefaid, That all powers, provisions, articles, claufes, and all other matters and things, prefcribed or appointed by any former act or acts of parliament, relating to the ftamp-duties on vellum, parchment, and paper, fhall be of full force and effect with relation to the rates and duties hereby impofed, and fhall be applied and put in execution for raifing, levying, collecting, and fecuring the faid new rates and duties hereby impofed, according to the true intent and meaning of this act, as fully, to all intents and purpofes, as if the fame had feverally and refpectively been hereby enacted, with relation to the faid new rates and duties hereby impofed.

How penalties are to applied.

XIX. And be it further enacted by the authority aforefaid, That all pecuniary penalties, hereby impofed, fhall be divided and diftributed, (if fued for within the fpace of fix calendar months from the time of any fuch penalty being incurred) in manner following; one moiety thereof to his Majefty, his heirs and fucceffors, and the other moiety thereof, with full costs of fuit, to the perfon or perfons who fhall inform and fue for the fame.

How penalties are to be recovered.

XX. And be it further enacted by the authority aforefaid, That all pecuniary penalties, impofed on any perfon or perfons for offences committed againft this act, fhall and may be fued for and recovered in any of his Majefty's courts at *Westminfter*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*; and in his Majefty's court of fefions, court of jufticiary, or court of exchequer in *Scotland*, for offences committed in that

that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no eſſoin, protection, privilege, wager of law, or more than one imparlance, ſhall be allowed.

XXI. Provided always, and be it further enacted by the authority aforeſaid, That ſuch diſviſion or diſtribution of the penalties as aforeſaid, ſhall be, and is hereby confined and reſtricted to the proſecuting for the ſame within the time hereinbefore for that purpoſe limited; and that in default of ſuch proſecution within the time aforeſaid, no informer or informers ſhall have or be intitled to any part or ſhare of ſuch penalties, but that the whole thereof ſhall belong to his Majeſty, his heirs and ſucceſſors, and ſhall be recoverable in manner aforeſaid; any thing herein contained to the contrary notwithstanding.

In default of proſecution in time limited, the whole penalties belong to his Majeſty.

XXII. Provided always, and it is hereby enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any juſtice of the peace, reſiding near the place where the offence ſhall be committed, to hear and determine any offence againſt this act, which ſubjects the offender to any pecuniary penalty, at any time within ſix months after the offence committed or to be committed againſt this act; which ſaid juſtice of the peace is hereby authorized and required, upon any ſuch information exhibited, or complaint made in that behalf, to ſummon the party accuſed, and alſo the witneſſes on either ſide, and ſhall examine into the matter of fact; and upon due proof made thereof, either by the voluntary confeſſion of the party, or by the oath of one or more credible witneſſes or witneſſes, to give judgement or ſentence for the penalty or forfeiture according as in and by this act is directed, and to award and iſſue out his warrant, under his hand and ſeal, for the levying any pecuniary penalties or forfeitures ſo adjudged on the goods of the offender, and to cauſe ſale to be made thereof, in caſe they ſhall not be redeemed within ſix days, rendering to the party the overplus, if any; and where the goods of the offender cannot be found ſufficient to answer the penalty, to commit ſuch offender to priſon, there to remain for the ſpace of three months, unleſs ſuch pecuniary penalty ſhall be ſooner paid and ſatisfied; and if any perſon or perſons ſhall find himſelf or themſelves aggrieved by the judgement of any ſuch juſtice, then he or they ſhall and may, upon giving ſecurity to the amount of the value of ſuch penalty and forfeiture, together with ſuch coſts as ſhall be awarded in caſe ſuch judgement ſhall be affirmed, appeal to the juſtices of the peace at the next general quarter ſeſſions for the county, riding, ſhire, ſtewartry, or place, who are hereby empowered to ſummon and examine witneſſes upon oath, and finally to hear and determine the ſame; and in caſe the judgement ſhall be affirmed, it ſhall be lawful for ſuch juſtices to award the perſon or perſons to pay ſuch coſts occaſioned by ſuch appeal as to them ſhall ſeem meet.

Juſtices may determine matters relative to pecuniary penalties.

Appeal may be made to the quarter ſeſſions.

XXIII. And be it further enacted by the authority aforeſaid,
That

Witnesses
neglecting to
attend, forfeit
40s.

That if any person or persons shall be summoned as a witness or witnesses to give evidence before such justice or justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such, his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending; that then every such person shall forfeit, for every such offence, the sum of forty shillings, to be levied and paid in such manner, and by such means, as herein-before directed as to other penalties.

XXIV. And be it further enacted by the authority aforesaid, That the justice or justices of the peace before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the same effect, *mutatis mutandis*; (that is to say):

Form of conviction.

BE it remembered, That on the _____ day of _____ in the year of our Lord _____ in the county of _____ A. B. of _____ was convicted before me C. D. one of his Majesty's justices of the peace for the said county, residing near the place where the offence was committed, for that the said A. B. on the _____ day of _____ now last past, did, contrary to the form of the statute in that case made and provided, [here state the offence against the act]; and I do declare and adjudge that he the said A. B. hath forfeited the sum of _____ of lawful money of Great Britain, for the offence aforesaid, to be distributed as the law directs.

Given under my hand and seal the _____ day of _____

Justice may mitigate penalties.

XXV. Provided nevertheless, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs and charges of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed, over and above such mitigation, and so as such mitigation do not reduce the penalties to less than one moiety of the penalties incurred, over and above the said costs and charges; any thing contained in this act, or any other act of parliament to the contrary notwithstanding; and no such conviction shall be removed by *certiorari* into any court whatsoever.

Duties to be paid into the exchequer.

XXVI. And be it further enacted by the authority aforesaid, That the several duties herein-before granted shall be paid, from time to time, into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper, who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time, and in such manner,

manner, as the duties now charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the said receipt shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money so paid into the said receipt of exchequer as aforesaid, shall be a fund for the payment of the several annuities, and all other charges and expences as are directed to be paid and payable pursuant to an act of parliament passed in the twenty-third year of the reign of his present Majesty, intituled, *An act for raising a certain sum of money by way of annuities, and for establishing a lottery.*

and to be kept separate from all other duties.

Application thereof.

XXVII. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Defendants may plead the general issue,

and recover treble costs.

SCHEDULE to which this act refers :

Containing the names by which many medicinal preparations now in use, subject to the duties by this act imposed, are known and distinguished.

DRUGS, OILS, WATERS, *etcetera, used as medicines; commonly called*

A NALEPTIC Pills, Doctor James's.	Daffy's Elixir.
Ague and Fever Drops.	Dalby's Carminative.
Anderfon's Scotch Pills.	Dawson's Lozenges.
Andalusia Water.	Doctor Dickinſon's Cephalic Drops.
Anodyne Necklace.	Edward's Ague Tincture.
Antipertuffis.	Eſſence of Water Dock.
Antirheumatic Drops.	Falck's Univerſal Pills.
Balfamic Electuary for the Whooping Cough.	Freeman's Bathing Spirits.
Bateman's Drops.	Fryar's Balfam.
Betton's original Britiſh Oil.	Fendon's Drops.
Beaume de Vie.	Godfrey's Cordial.
Birt's Martial Balfam.	Grant's Drops.
Boſtock's Grand Elixir.	Griffin's Tinctura Aſthmatica.
Cox's Tincture.	Hickman's Pills.
	Hill's Pectoral Balfam of Honey.
	Hill's

Hill's Tincture of Sage.
 Ditto Tincture of Valerian.
 Ditto Effence of Water Dock.
 Ditto Elixir of Bardana.
 Ditto Tincture of Centaury.
 Ditto Canada Balsam.
 Hamilton's Cinnamon Drops.
 Ditto — Asthmatic Effluvia.
 Ditto — Vegetable Balsamic Tincture.
 Hooper's Female Pills.
 Holdsworth's Lozenges.
 Hunter's Elixir.
 Ditto — Restorative.
 James's Fever Powder.
 Jesuit Drops.
 Johnson's Yellow Ointment.
 Keyser's Pills.
 Leake's Pills.
 Lozenges of Blois.
 Ditto — of Tolu.
 Ditto — Stomachic.
 Ditto — Specific.
 Ditto — for the Heartburn.
 Lockyer's Pills.
 Le Cour's Imperial Oil.
 Norton's Maredant's Antiscorbutic Drops.
 Norris's Drops.
 Peters's Tincture.
 Peters's Pills.
 Peke's Ointment.
 Ratcliff's Elixir.
 Spilfbury's Antiscorbutic Drops.
 Speedman's Stomach Pills.
 Spirits of Scurvy Grass.
 Stomachic Lozenges.
 Stoughton's Elixir.
 Stern's Balsamic Æther.
 Squire's Elixir.
 Steer's Opodeldoc.
 Ditto — Oil.
 Ditto — Purging Elixir.
 Tuberosa Vitæ, or Chilblain Water.
 Turlington's Balsam.
 Vandour's Nervous Pills.
 Velno's Vegetable Syrup.
 Wace's Asthmatic Drops.
 Ward's White Drops.
 Ditto — Effence for the Head Ach.
 Ditto — Liquid Sweat.
 Ditto — Red Pills.
 Ditto — Sack Drops.
 Ditto — Sweating Powders.
 Ditto — Paste.
 Worm Cakes, Storey's.
 Worm Sugar Plumbs.
 Wray's Ague Pills.

C A P. LXXX.

An act for granting to his Majesty certain duties on certificates to be taken out by solicitors, attornies, and others, practising in certain courts of justice in Great Britain; and certain other duties with respect to warrants, mandates, and authorities, to be entered or filed of record, as therein mentioned.

Most gracious Sovereign,

Preamble.

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, towards raising the necessary supplies to defray your Majesty's publick expences, have resolved to give and grant unto your Majesty the duties herein-after mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *November*, one thousand seven hundred and eighty-five, there shall be raised,

From Nov. 1, 1785, the following duties are to be paid, viz.

ed, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the use of his Majesty, his heirs and successors, the rates and duties following; (that is to say),

That for and in respect of every warrant, mandate, or authority given to any solicitor, attorney, notary, proctor, agent, or procurator in *Great Britain*, to commence, carry on, or defend, any suit or prosecution in any of his Majesty's courts at *Westminster*, or in any ecclesiastical court, or in any of the courts of admiralty or cinque ports, or in any of his Majesty's courts in *Scotland*, the great sessions in *Wales*, or in any courts in the counties palatine, or in any other court holding pleas, where the debt or damage shall amount to forty shillings, or more, there shall be charged a stamp-duty of two shillings and sixpence:

That every solicitor, attorney, notary, proctor, agent, or procurator, admitted, enrolled, or registered in any of his Majesty's courts at *Westminster*, or in any ecclesiastical court, or in any of the courts of admiralty, or cinque ports, or in any of his Majesty's courts in *Scotland*, the great sessions in *Wales*, or in any courts in the counties palatine, or in any other court in *Great Britain* holding pleas, where the debt or damage shall amount to forty shillings, or more, shall, previous to his commencing or defending any suit or prosecution, take out annually a certificate of such his admission, enrolment, or register:

That for and upon every such certificate so taken out by any solicitor, attorney, notary, proctor, agent, or procurator, who shall reside in any of the inns of court, or in the cities of *London* or *Westminster*, the borough of *Southwark*, the parish of *Saint Pancras*, and *Saint Mary le Bone*, or within the bills of mortality, or within the city of *Edinburgh*, there shall be charged a stamp-duty of five pounds:

That for and upon every such certificate so taken out by any solicitor, attorney, notary, proctor, agent, or procurator, who shall reside in any other part of *Great Britain*, there shall be charged a stamp-duty of three pounds.

II. And be it further enacted by the authority aforesaid, That, for the better and more effectual levying and collecting the said duties herein-before granted, the same shall be under the government, care, and management of the commissioners for the time being appointed to manage the duties charged on stamped vellum, parchment, and paper; who, or the major part of them, are hereby required and empowered to employ such officers under them for that purpose, and to allow such salaries and incidental charges as may be necessary, and to provide and use such stamps, to denote the said duties, as shall be requisite in that behalf, and to do all other things necessary to be done for putting this act into execution, with relation to the said rates and duties herein-before granted, in the like, and in as full and ample manner as they, or the major part of them,

For every warrant to prosecute for a debt of 40s. — 2s. 6d.

Certificates to be taken out annually by every solicitor, &c. practising in any court holding pleas for 40s. and upwards:

Those residing in London, Westminster, the bills of mortality, or Edinburgh, to pay 5l. for a certificate:

In every other part of Great Britain, 3l.

Duties to be under the management of the commissioners for stamps.

are or is authorised to put in execution any former law concerning stamped vellum, parchment, and paper.

From November 1, 1785, every acting solicitor, &c. shall annually deliver in a note of his name and residence, &c. in order to obtain a certificate.

III. *And, for the easier obtaining such certificate,* be it further enacted by the authority aforesaid, That, from and after the first day of *November*, one thousand seven hundred and eighty-five, every person admitted, sworn, enrolled, or registered a solicitor, attorney, notary, proctor, agent, or procurator, in any one or more of the courts aforesaid, who shall commence, carry on, or defend, any action, suit, or prosecution therein, shall annually, during such time as he shall continue so to practise therein, deliver into some one of the courts in which he shall have been admitted, sworn, enrolled, or registered, in such manner as herein-after is directed, a paper or note, in the proper hand-writing of every such solicitor, attorney, notary, proctor, agent, or procurator, containing his name and usual place of residence, and marked and stamped with the proper mark or stamp denoting the duty herein-before imposed upon certificates, according to the place of such his residence as aforesaid, and thereupon every such solicitor, attorney, notary, proctor, agent, or procurator, shall be intitled to have a certificate (if the same shall be required) in the manner herein-after directed.

Officers for entering applications for certificates in England.

IV. And be it further enacted by the authority aforesaid, That, from and after the first day of *November*, one thousand seven hundred and eighty-five, the chief clerk of the court of king's bench, or his deputy, the clerk of the warrants in the court of common pleas, or his deputy, the clerk of the pleas in the exchequer office of pleas, or his deputy, the prothonotaries of the respective counties palatine of *Lancaster*, *Chester*, and *Durham*, and of the great sessions in *Wales*, or their respective deputies, and such officers of the inferior courts of law as the judge or judges of the inferior courts respectively shall, from time to time, appoint to enroll the names of persons admitted attorneys in the said courts respectively, the senior clerk of the petty bag office in the court of chancery, or his deputy, the King's remembrancer of the court of exchequer, or his deputy, the chief clerk of the court of the duchy chamber of *Lancaster*, or his deputy, the register of the respective courts of equity in the said counties palatine, and of the great sessions in *Wales*, or their respective deputies, and such officers of the inferior courts of equity as the judge or judges of such inferior courts respectively shall, from time to time, appoint to enroll the names of persons admitted solicitors in the said courts respectively, shall, and they are hereby respectively required, from time to time, upon payment of the fee of one shilling, to enter in alphabetical order, the name and place of residence of every such attorney and solicitor enrolled an attorney or solicitor in the said courts respectively, (and who shall have delivered in such paper or note in writing, duly stamped, and required a certificate of his enrolment, as aforesaid) in rolls or books to be provided and kept for that purpose in the said several and respective offices; and also that the registers of all and every the ecclesiastical courts,

courts, courts of admiralty, or of the cinque ports, or their respective deputies, shall, and they are hereby respectively required, in like manner, from time to time, to enter, in alphabetical order, the name and place of residence of every notary, proctor, or procurator, admitted a notary, proctor, or procurator, in the said courts respectively, and who shall have delivered in a like paper or note in writing, containing his name and place of residence, and requiring a certificate of his admission as aforesaid, in rolls or books to be provided and kept for that purpose in the said respective offices; and also that all such officers of the courts of sessions, courts of justiciary, circuit courts, court of exchequer, or sheriff or steward courts, or any other inferior courts in *Scotland*, as the judge or judges of the said courts respectively shall, from time to time, appoint to register any certificate of the oaths appointed by law to be taken and subscribed in the said courts respectively, by persons officiating therein as procurators, agents, or solicitors, shall, and they are hereby respectively required, in like manner, from time to time, to enter, in alphabetical order, the name and place of residence of every such procurator, agent, or solicitor, delivering in a like paper or note in writing, containing his name and place of residence, and requiring a certificate of such register as aforesaid, in rolls or books to be provided and kept for that purpose in the said respective offices; and all and every the officers aforesaid respectively shall, and they, and each and every of them, are hereby required, at the time of making such entry, to subscribe to every such paper or note in writing, so delivered in, a certificate signed by every such officer respectively, according to the form of the schedule hereunto annexed; to all which said rolls or books, in the said courts respectively, all persons shall and may, at seasonable times, have free access without fee or reward.

Officers for entering like applications in Scotland.

Entering officers to certify notes delivered.

V. And be it further enacted by the authority aforesaid, That the said officers, or their respective deputies, after they shall have respectively signed such certificates, so subscribed to the respective papers or notes, in writing, duly stamped as aforesaid, shall forthwith issue the said certificates to the person or persons respectively requiring the same; and every certificate so issued shall bear date on the day on which the same was issued, and shall endure and remain in force for the space of twelve calendar months, to commence from the first day of *November*, one thousand seven hundred and eighty-five, upon all certificates to be issued on or before that day, and upon certificates to be first issued to any person or persons, after the said first day of *November*, one thousand seven hundred and eighty-five, to commence from the date of every such certificate; which said certificate shall be renewed at least ten days previous to the expiration of the time for which it was granted, and so yearly and every year, so long as such solicitor, attorney, notary, proctor, agent, or procurator, shall continue to practise in any such court in manner aforesaid; and if any of the said respective officers, or their respective deputies, shall neglect or refuse to issue, within a convenient

Entering officers, etc. to issue annual certificates, which must be renewed to days before expiration.

Penalty on refusing to issue, or im-

properly issuing certificates.

venient time, the proper certificate required by this act, in such manner as is herein-before directed, or shall issue the same to any person otherwise than as before directed, every such officer so offending shall, for every such offence, forfeit and pay the sum of fifty pounds, to be recovered and applied as herein-after is directed, and moreover shall satisfy and pay to the party or parties aggrieved thereby, all such damages as shall or may accrue from such neglect, refusal, or default.

Persons residing 40 days in a year within the limits of the higher duties, are to pay the same.

VI. And, to prevent evasion in the payment of the higher duties imposed by this act by solicitors, attornies, notaries, proctors, agents, and procurators, who may have divers places of residence at the same time, within the limits of the different districts above mentioned; be it declared and further enacted by the authority aforesaid, That if any solicitor, attorney, notary, proctor, agent, or procurator, liable to any of the rates or duties hereby imposed on certificates, shall reside in any of the inns of court, or in the cities of London or Westminster, or the borough of Southwark, the parish of Saint Pancras, or Saint Mary le Bone, or within the bills of mortality, or within the city of Edinburgh, for the space of forty days, or more, in any one year, every such solicitor, attorney, notary, proctor, agent, or procurator, shall be deemed to be resident within the limits last mentioned, within the true intent and meaning of this act, and shall be liable to the higher duties by this act imposed on certificates, for and during such time as he shall continue to be so resident for the space of forty days, or more, in each year, notwithstanding such solicitor, attorney, notary, proctor, agent, or procurator, shall or may, at other times in each such year, reside elsewhere without the limits last aforesaid.

Penalty on acting without certificate, or giving in a false place of residence.

VII. And be it further enacted by the authority aforesaid, That, from and after the first day of November, one thousand seven hundred and eighty-five, every person who shall, in his own name, or in the name of any other person or persons, sue out any writ or process, or commence, prosecute, carry on, or defend any action or suit, or any proceedings as a solicitor, attorney, notary, proctor, agent, or procurator, in any of the courts aforesaid, for or in expectation of any gain, fee, or reward, without having obtained such certificate, in such manner as herein-before is directed, or shall deliver in to the respective officers appointed by this act, any false or fictitious place of residence, with intent to evade the payment of the higher duties, in and by this act imposed, contrary to the true intent and meaning of this act, every such person, for every such offence, shall forfeit and pay the sum of fifty pounds, to be recovered and applied as herein-after is directed; and shall be, and is hereby made incapable to maintain or prosecute, any action or suit, in any court of law or equity, for the recovery of any fee, reward, or disbursements, on account of prosecuting, carrying on, or defending any such action, suit, or proceeding.

VIII. Provided always, and be it further enacted by the authority aforesaid, That, from and after the said first day of November,

vember, one thousand seven hundred and eighty-five, it shall and may be lawful for any person, having duly obtained a certificate in the manner herein-before directed, to sue out any writ or process, or commence, prosecute, or defend any action or suit, or any proceeding in any of the courts aforesaid, in the name and by and with the consent of any other solicitor, attorney, notary, proctor, agent, or procurator of such court, in writing first had and obtained, and signed by him in like manner as he might have lawfully done before the making of this act, provided that such solicitor, attorney, notary, proctor, agent, or procurator, in whose name such proceedings shall be instituted, commenced, or carried on, shall also have first duly obtained a certificate out of the court wherein he is sworn, admitted, enrolled, or registered, in manner as herein-before is directed; or, in default thereof, every such solicitor, attorney, notary, proctor, agent, or procurator, shall be subject and liable to the like pains, penalties, forfeitures, and incapacities, as any other solicitor, attorney, notary, proctor, agent, or procurator, is by this act made subject and liable to.

Persons having taken out certificates may act for others who have also taken them out.

IX. Provided also, and it is hereby further enacted by the authority aforesaid, That it shall and may be lawful for any person, duly sworn, admitted, enrolled, or registered a solicitor, attorney, notary, proctor, agent, or procurator, in any two or more of the said courts respectively, under a proper certificate obtained from either of the said courts, in such manner as herein-before is directed, to commence, carry on, prosecute, solicit, or defend any action or suit, or any proceedings in any of the said other courts in which he is so sworn, admitted, enrolled, or registered, although such certificate shall or may not have issued from such other court; any thing herein contained to the contrary in anywise notwithstanding.

Person under one certificate may act in any other court in which he is sworn, etc.

X. *And whereas the act for the better regulation of attornies and solicitors doth not extend to the swearing, admission, or enrolment of the six clerks of the court of chancery, or the sworn clerks in their office, or the waiting clerks belonging to the said six clerks, or the cursitors of the said court, or of the clerks of the petty bag office, or of the clerks of the king's coroner and attorney in the court of king's bench, or of the filazers of the same court, or of the filazers of the court of common pleas at Westminster, or of the attornies of the court of the duchy chamber of Lancaster, or of the attornies of the court of exchequer at Chester, or of the attornies of the courts of the lord mayor and sheriffs of London respectively, or of the attornies or clerks of the offices of the king's remembrancer, treasurer's remembrancer, pipe, or office of pleas in the court of exchequer at Westminster, for the time being, or of the solicitors of the treasury, customs, excise, post-office, salt or stamp-duties, or of any other branches of his Majesty's revenue for the time being, or of the solicitors of the city of London for the time being, or of the assistant to the counsel for the affairs of the admiralty and navy; but that the said clerks, cursitors, filazers, attornies, and solicitors respectively, may be sworn, admitted, enrolled, and practise in their respective courts and offices,*

The fix clerks, etc. are to qualify themfelves for acting in the fame manner as attornies, etc.

according to the ufage and custom of thofe courts and offices refpectively: and whereas it is expedient to extend the provisions of this act to fuch clerks, curfitors, filazers, attornies, and folicitors, (except as herein-after excepted); be it therefore enacted by the authority aforefaid, That, from and after the faid firft day of November, one thousand feven hundred and eighty-five, no fuch clerk, curfitor, filazer, attorney, or folicitor, fhall be permitted, in his own name, or in the name of any other perfon, to fue out any writ or procefs, or commence, profecute, carry on, or defend any action or fuit, or any proceedings, in any of the courts aforefaid, for or in expectation of any gain, fee, or reward, as a folicitor or attorney, (except as herein-after mentioned), unlefs fuch clerk, curfitor, filazer, attorney, and folicitor fhall, for the purpofes of this act, caufe his name to be enrolled in the court in which he is fuch clerk, curfitor, filazer, attorney, or folicitor, as aforefaid, or in the refpective court in which he fhall fo commence, profecute, carry on, or defend any fuch fuit, action, profecution, or other proceeding, as fuch folicitor or attorney, with the proper officer appointed to enroll fworn folicitors or attornies therein, (and every fuch officer is hereby required to enroll the fame accordingly); and fhall annually, during fuch time as he fhall continue to praftife as a folicitor or attorney, in manner aforefaid, obtain a certificate, marked and stamped with the proper mark or ftamp, according to the place of his refidence, in like manner as is here-in-before directed with refpect to fworn attornies and folicitors, under pain that every fuch clerk, curfitor, filazer, attorney, or folicitor in the faid refpective courts or offices, offending therein, fhall be fubject and liable to the like pains, penalties, forfeitures, and incapacities as aforefaid.

XI. *And whereas it is alfo expedient to extend the provisions of this act to all fuch other officers or clerks of the refpective courts aforefaid, who may be refpectively intitled to carry on, agent, manage, folicit, or defend any action, fuit, profecution, or other proceedings, in the court whereof he is fuch officer or clerk, under or by virtue of his office or appointment;* be it therefore further enacted by the authority aforefaid, That, from and after the faid firft day of November, one thousand feven hundred and eighty-five, no officer or clerk of any of the courts aforefaid, (except as herein-after excepted) fhall be permitted, in his own name, or in the name of any other perfon, to fue out any writ or procefs, or to commence, profecute, carry on, agent, manage, folicit, or defend any action or fuit, profecution, or other proceedings, in any of the courts aforefaid, for or in expectation of any gain, fee, or reward, as a folicitor, attorney, notary, proctor, agent, or procurator, unlefs fuch officer or clerk fhall, for the purpofes of this act, caufe his name to be enrolled or registered in the court in which he is fuch officer or clerk as aforefaid, or in the refpective court in which he fhall fo commence, profecute, carry on, agent, manage, folicit, or defend any fuch action, fuit, profecution, or other proceeding, as fuch folicitor, attorney, notary,

Clerks of courts, etc. acting without enrollment and certificates, liable to penalties.

notary, proctor, agent, or procurator, with the proper officer appointed to enroll or register solicitors, attornies, proctors, agents, or procurators therein, (and every such officer is hereby required to enroll or register the same accordingly); and shall annually, during such time as he shall continue to act in manner aforesaid, obtain a certificate, marked or stamped with the proper mark or stamp according to the place of his residence, in like manner as is herein-before directed with respect to sworn attornies and solicitors, under pain that every such officer or clerk of any of the courts aforesaid offending therein, shall be subject and liable to the like pains, penalties, forfeitures, and incapacities, as aforesaid.

XII. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to subject to the payment of the several duties of five pounds or three pounds, hereby imposed, any officer or clerk of any of the courts aforesaid, who is now, or at any time shall be charged with the payment of land tax, in respect of his office or appointment in such court, for or by reason of his being employed in the conduct, care, or management of any action, suit, prosecution, or other proceeding therein, relating to or concerning the business of his office or appointment only, and wherein such officer or clerk shall not be also retained or employed by the party or parties to such action, suit, prosecution, or other proceeding, or by any solicitor, attorney, notary, proctor, agent, or procurator, for or in expectation of any fee or reward, over and above the fee or reward therefore due and payable to such officer or clerk, in respect of his office or appointment in such court.

XIII. And, in order to make suitable provisions for the due payment of the duties by this act imposed, in respect of warrants, mandates, and authorities, to sue or defend as aforesaid; be it further enacted by the authority aforesaid, That, from and after the said first day of *November*, one thousand seven hundred and eighty-five, no solicitor, attorney, notary, proctor, agent, or procurator, shall be permitted to sue out any writ or process, or to commence, prosecute, or carry on any suit, action, or any prosecution, or other proceedings whatsoever, in any of the courts aforesaid, or to defend or appear for any defendant in any suit or action, prosecution, or other proceedings, in any of the courts aforesaid, for or in expectation of any gain, fee, or reward, by virtue or in respect of any warrant, mandate, or authority (whether the same be verbal or in writing) which shall be given to him for that purpose, unless such solicitor, attorney, notary, proctor, agent, or procurator, in every such action, suit, prosecution, or other proceeding, shall have delivered, or caused to be delivered, to the proper officer, or his deputy, hereby appointed for the receipt and entry thereof, a memorandum or minute, duly stamped in pursuance of this act, of such his warrant, mandate, or authority, containing the names of the respective parties prosecuting and defending the suit, ac-

Officers or clerks in court chargeable with land tax are exempted from duties, if acting officially only.

A stamped memorandum to be given to the proper officer of the names of the parties, etc. in every action.

tion, prosecution, or other proceedings, and of the court in which the same shall be commenced, and also the name of the solicitor, attorney, notary, proctor, agent, or procurator, immediately retained to prosecute, carry on, or defend the same, to be entered or filed of record, as herein-after directed; which memorandum or minute shall and may be made out according to the form of the schedule hereunto annexed, (*mutatis mutandis.*)

Stamped memorandumsto be delivered in such cases as used to require precepts.

XIV. And be it further enacted by the authority aforesaid, That in all cases where any precipe (except a precipe for any original writ issuing out of the said court of chancery) is or shall be required by the rules or practice of any of the courts aforesaid, to be delivered, filed, or entered of record, with the proper clerk or officer previous to the signing or issuing any such original or other writ, precept, citation, or monition, or other first process, for any plaintiff or plaintiffs, upon the commencement of any such suit or action, or any prosecution, or other proceedings whatsoever, in any such court, it shall and may be lawful for every such solicitor, attorney, notary, proctor, agent, or procurator, to deliver in to every such clerk, or officer the memorandum or minute hereby required to be stamped, and to insert therein the nature and denomination of the process required to be signed or issued, and the return thereof, in such manner as heretofore hath been used in such courts with respect to such precepts as aforesaid; and that every such memorandum or minute, so stamped and delivered in as herein is above directed, shall be, and be deemed and adjudged to be, as valid and effectual an authority in law, for the signing or issuing any such writ, precept, citation, or monition, or other first process aforesaid, by any such clerk or officer, as if the precipe heretofore used in such courts had been delivered in to the proper clerk or officer as aforesaid; any law, usage, or custom, or any thing in this act contained, to the contrary thereof notwithstanding.

Officers who receive stamped memorandums are to file the same.

XV. And be it further enacted by the authority aforesaid, That, from and after the said first day of *November*, one thousand seven hundred and eighty-five, the respective clerks and officers, or their respective deputies, to whom it shall appertain, or who shall be entrusted or appointed to sign or issue any original or other writ, precept, citation, monition, or other first process, for any plaintiff or plaintiffs, upon the commencement of any suit or action, or any prosecution or other proceedings whatsoever, in any of the courts aforesaid, or to enter, file, or record, any bail, appearance, admission, or other act, matter or thing, to be first done in the defending or appearing for the defendant or defendants in any such action, suit, prosecution, or other proceedings, in any of the courts aforesaid, shall, and they are hereby respectively required, from time to time, to receive, and forthwith enter, or file of record, every such memorandum or minute, which shall be delivered to them respectively, by or in the name of any solicitor, attorney, notary,

tary, proctor, agent, or procurator, in the ſaid reſpective court of ſuch clerk or officer, and marked or ſtamped with the mark or ſtamp denoting the rate or duty payable thereon purſuant to the directions in this act, and ſhall ſign thereon the day of the month and year on which ſuch memorandum or minute ſhall have been delivered, to be entered or filed of record as aforeſaid, to which entries or files, in the ſaid courts reſpectively, all perſons ſhall and may have free acceſs, at reaſonable times, without fee or reward; and every ſuch clerk or officer, or his reſpective deputy, neglecting the due performance of his office in the premiſes, ſhall, for every ſuch offence, forfeit and pay the ſum of fifty pounds, to be recovered and applied as herein-after mentioned. on penalty of 50l.

XVI. And be it further enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *November*, one thouſand ſeven hundred and eighty-five, every perſon who ſhall ſue out any writ or proceſs, or commence, carry on, manage, agent, ſolicit, or defend, any action, ſuit, proſecution, or other proceedings, except as herein-after mentioned, in any of the courts aforeſaid, without having delivered to the proper officer, to be entered or filed of record, the memorandum or minute of his warrant, mandate, or authority, marked or ſtamped in ſuch manner as by this act is directed, ſhall, for every ſuch offence, forfeit and pay the ſum of five pounds, to be recovered and applied as herein-after is directed. Perſons not acting conformable to this act forfeit 5l.

XVII. And be it further enacted by the authority aforeſaid, That no action, ſuit, proſecution, or other proceedings, in any of the courts aforeſaid, ſhall be ſtaid, nor any judgement, ſentence, or decree thereon reverſed, for or by reaſon of any omiſſion or defect in the entering or filing of record the memorandum or minute herein-before directed, but the reſpective courts ſhall proceed, as far as concerns or relates to the party or parties to the ſaid action, ſuit, proſecution, or other proceeding depending therein, as if ſuch memorandum or minute was in due manner entered or filed of record. Actions are to proceed though the memorandums ſhould not have been entered or filed.

XVIII. And be it further enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to reſcind, change, or alter, any of the rules, or the practice of any of the courts aforeſaid, heretofore uſed, relative to the entering or filing of record, by any ſolicitor, attorney, notary, proctor, agent, or procurator, any warrants of attorney, appearances, or proxies, or any admissions, to ſue or defend either for the plaintiffs or defendants, in any cauſe or action depending therein, but that the rules and practice of the reſpective courts aforeſaid relating thereto ſhall continue to be put in force, and uſed as heretofore, unleſs the judge or judges of theſe courts reſpectively ſhall think it fit or neceſſary to reſcind, alter, or amend the ſame; and the ſaid judge or judges of the ſeveral courts aforeſaid, ſhall and may, and are hereby authorized and required, from time to time, to make ſuch rules and orders in their reſpective courts, and do ſuch other matters and things, Practice of the courts of law, etc. with regard to entering of record, not altered, unleſs the judges think fit.

things, for the better fecuring the faid feveral rates and duties in and by this act impofed; as fhall be lawful and reasonable in that behalf.

A stamped memorandum of warrant of attorney to be delivered previous to entering up judgement.

XIX. Provided always, and be it further enacted by the authority aforefaid, That, from and after the faid firft day of *November*, one thoufand feven hundred and eighty-five, in all cafes where any defendant or defendants fhall, before appearance, confefs any action or fuit in any of the courts aforefaid, or fhall execute any warrant of attorney to acknowledge judgement by *Nil dicit non fum informatus*, or otherwife, the attorney who fhall enter up any judgement thereupon, fhall previously deliver, or caufe to be delivered, to the proper officer, a memorandum or minute of fuch *Cognovit Actionem*, or warrant of attorney, stamped as herein before is directed, in the like manner, and according to the form above prefcribed, under pain that he fhall forfeit and pay the fum of five pounds, to be recovered and applied as herein after directed.

on penalty of 5*l*.

None of the duties to be charged to clients.

XX. *And whereas it is the intent and meaning of this act that the feveral rates and duties, in and by this act impofed, fhall be borne and paid by the refpective folicitors, attornies, notaries, proctors, agents, or procurators, immediately retained or employed by the refpective party or parties, and fhall in no wife be charged or impofed, in the whole or in part, upon their refpective clients:* for the prevention of fuch charges, be it therefore enacted, That it fhall not be lawful for any folicitor, attorney, notary, proctor, agent, or procurator, liable to the refpective duties hereby impofed, who fhall be retained by any perfon or perfons to profecute, carry on, manage, folicit, agent, or defend, any action or fuit, or any profecution or other proceedings in any of the courts aforefaid, directly or indirectly, to claim, demand, or receive, from the party or parties aforefaid, or, under any pretence whatfoever, to infer in any bill of fees or charges, or difburfements charged upon the party or parties aforefaid, any fum of money whatfoever for or in refpect of the payment of the rates or duties aforefaid; but that it fhall and may be lawful, upon application of the party or parties charged therewith, or of any other perfon in that behalf authorized, unto any of the faid courts refpectively, in which fuch action or fuit, profecution, or other proceedings, fhall have been tranfacted, to refer the faid bill or demand to be taxed or fettled by the proper officer of fuch court, in fuch manner as is by law ordained or praifed in fuch court refpectively, for the taxation and fettlement of fuch bills and demands; and if, upon the faid taxation and fettlement it fhall be found that fuch folicitor, attorney, notary, proctor, agent, or procurator, fhall have charged, or received from the party or parties aforefaid, any fum of money whatfoever contrary to the true intent and meaning of this act, then and in fuch cafe the faid charge or demand fhall be difallowed and ftruck out of fuch bill; or if the fame fhall have been paid, the faid folicitor, attorney, notary, proctor, agent, or procurator refpectively, fhall refund and pay unto the party and parties intitled thereto, or

to any other person or persons duly authorifed, in fuch manner as the refpective courts aforefaid fhall direct, all fuch money as the faid officer fhall certify to have been fo overcharged or paid; and in every fuch cafe fhall alfo be liable to the cofts of the faid taxation, to be afcertained at the difcretion of the refpective courts aforefaid.

XXI. Provided always, That in any fuit or action, profecution, or other proceedings, in any of the courts aforefaid, if the perfon by whom any memorandum or minute fhall have been delivered to be entered or filed of record as aforefaid, and by whom the duty payable thereon fhall have been paid, fhall not be immediately retained or employed by the party or parties profecuting or defending the faid fuit or action, profecution, or other proceedings, but fhall act therein for and on the behalf of the folicitor, attorney, notary, proctor, agent, or procurator, fo immediately retained and employed, it fhall and may be lawful for every fuch perfon to charge and place to the account of the folicitor, attorney, notary, proctor, agent, or procurator, fo immediately retained and employed as aforefaid, the duty hereby impofed on fuch memorandum or minute fo paid.

Persons not immediately employed by the parties may charge the duties to the attorneys for whom they act.

XXII. Provided alfo, That it fhall and may be lawful for any folicitor, attorney, notary, proctor, agent, or procurator, retained or employed to profecute or carry on any fuit or action, profecution, or other proceedings, for the plaintiff or plaintiffs, in any of the courts aforefaid, to enter or file, or caufe to be entered or filed, any common appearance, or common bail, for the defendant or defendants, according to the ftatute in that cafe made and provided, without entering or filing of record any memorandum or minute in that refpect for the defendant or defendants, and freed and difcharged from the rates and duties hereby impofed thereon, in fuch manner as might have been done before the paffing of this act; any thing herein-before contained to the contrary thereof notwithstanding.

Common appearance or bail may be filed without entering a memorandum.

XXIII. Provided alfo, and be it enacted, That no folicitor, attorney, notary, proctor, agent, or procurator, for any fuch defendant or defendants, fhall, in any fuch cafe where an appearance or bail hath been entered or filed according to the ftatute, plead or carry on any further proceedings for any fuch defendant or defendants, in any fuch fuit, action, or profecution, until the memorandum or minute, ftamped as aforefaid, of a warrant, mandate, or authority to defend, fhall have been delivered to the proper officer, to be entered or filed of record according to the direCTIONS of the act; and if any fuch folicitor, attorney, notary, proctor, agent, or procurator for any fuch defendant or defendants, after fuch appearance or bail hath been entered or filed, according to the ftatute as aforefaid, fhall plead or carry on any further proceedings for any fuch defendant or defendants, in any fuch fuit, action, or profecution, without having entered or filed of record the memorandum or minute of his warrant, mandate, or authority to defend, marked or ftamped in fuch manner as by this act is directed, every fuch

After appearance of bail, a memorandum must be entered before any further proceedings.

folicitor,

on penalty of forfeit and pay the sum of five pounds, to be recovered and applied as herein-after is directed.

If a defendant is added after commencement of an action, a new memorandum is not necessary.

XXIV. Provided also, and be it enacted, That in every action, suit, prosecution, or other proceeding, had or commenced in any of the courts aforesaid, according to the directions of this act, where any person or persons shall, under or by virtue of any rule or order of such court respectively, be added as a defendant or defendants therein, it shall and may be lawful for any solicitor, attorney, notary, proctor, agent, or procurator for the plaintiff or plaintiffs, to sue out the usual process against such person or persons so added, without delivering any further or other memorandum or minute, in pursuance of this act, by specifying in the precipe to the officer, that the defendant or defendants named therein hath or have been added thereto by rule or order.

Memorandums to be delivered on putting in bail to the judge's clerk, who is to receive 2d. in the pound on the duties.

XXV. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for every attorney of the said court of king's bench, who shall put in any special bail before any judge or judges of the said court, at the time of putting in thereof, to deliver into and deposit in the hands of the judge's clerk, before whom such bail shall be so put in, the memorandum or minute of his warrant, mandate, or authority to defend, marked and stamped according to the directions of this act, which memorandum or minute every such clerk is hereby required to receive *gratis*; and the judge's clerks, to whom any such memorandum or minute shall be delivered as aforesaid, shall, within six days after the end of each term, transmit and deliver the same to the officer appointed to file special bails in the said court, to be filed of record; and the said officer appointed to file such bails shall, out of the monies paid to such officer by the receiver general of the stamp-duties, according to the directions of this act, pay and allow to every such clerk for the same, the sum of two-pence for every pound sterling which the duties upon any such memorandums or minutes, delivered to be entered or filed of record as aforesaid, shall amount unto; and in case any such judge's clerk shall neglect to transmit and deliver to the officer, appointed to file special bails in the said court of king's bench, all the memorandums or minutes so deposited in his hands as aforesaid, or shall wilfully deface or obliterate the same, or the stamp or mark directed or allowed to be used by this act, for the purpose of denoting the duties payable thereon, every such judge's clerk shall, for every such offence, forfeit and pay the sum of fifty pounds, to be recovered and applied as herein-after is directed.

Judge's clerks neglecting to deliver memorandums, or defacing the stamps thereon, forfeit 50l.

Not to extend to any suit for less than 40s.

XXVI. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to charge with the payment of the duties hereby imposed, for or in respect of any mandate, warrant, or authority, to sue or defend, or any memorandum or minute thereof, to be entered or filed of record in any action, suit,

suit, prosecution, or other proceeding to be had, commenced, prosecuted, or defended, in any inferior court, wherein the debt or damages, claimed or demanded, shall not amount to the sum of forty shillings of lawful money of *Great Britain*; but that, in every such case, it shall and may be lawful for the attorney, writer, agent, or procurator, retained or employed to carry on or defend such action, suit, prosecution, or other proceeding, to deliver in a memorandum or minute of his warrant, mandate, or authority, in the manner herein-after directed, not marked or stamped with any mark or stamp denoting the duty imposed by this act, and to insert therein the amount of the debt or damages, under forty shillings, claimed or demanded as aforesaid; and that it shall not be lawful for any plaintiff, demandant, or pursuer, in any such action, suit, prosecution, or other proceeding, so commenced as aforesaid, to sue for or recover other, more or greater debt or damages than shall be contained and expressed in such memorandum or minute not stamped as aforesaid.

XXVII. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to subject to the payment of the duties hereby imposed, any person or persons whatsoever, for or in respect of any proceedings commenced, carried on, prosecuted, or defended, in any of the courts aforesaid, upon any indictment whatsoever, or upon any information, suit, writ, or process, in the name of his Majesty, his heirs or successors, or at the instance of his Majesty's attorney general, his Majesty's advocate of *Scotland*, or any other officer or officers legally authorized to prosecute in his Majesty's name, or to sue for his Majesty's interest, save and except informations in the nature of *Quo Warranto*, filed by his Majesty's coroner and attorney in the court of king's bench, informations in any courts of equity, at the relation of private persons, informations wherein any person or persons, other than his Majesty, his heirs or successors, shall be intitled to any penalty or forfeiture, or any part thereof; in all which last mentioned cases the said duties shall be, and are hereby required to be paid, as in cases between party and party, according to the directions of this act.

XXVIII. And, for the encouragement of the respective clerks and officers, by this act intrusted to enter and file of record the memorandums or minutes hereby required to be stamped as aforesaid, to be attentive and vigilant in the execution of this act, and as a compensation for their trouble; be it further enacted by the authority aforesaid, That the receiver general for the time being of the duties on stamped vellum, parchment, and paper, or some person employed by order from the commissioners of the said duties, shall from time to time take an account of the number of the memorandums or minutes entered or filed of record in the several and respective courts and offices aforesaid, and of the amount of the respective duties paid and payable thereon, and shall from time to time pay and allow to the respective

Act not to extend to suits carried on in his Majesty's name, etc. except where private persons are interested.

Sixpence in the pound on the duties for recording memorandums to be paid to the clerks.

refpective clerks and officers aforefaid, the fum of fixpence for every pound fterling which the duties upon any fuch memorandums or minutes, entered or filed of record, and produced as aforefaid, fhall amount unto.

How penalties are to be recovered.

XXIX. And be it further enacted by the authority aforefaid, That all pecuniary penalties, impofed on any perfon or perfons for offences committed againft this act, fhall and may be fued for and recovered in any of his Majefty's courts of record at *Weflminfter*, for offences committed in that part of *Great Britain*, called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*, and in his Majefty's court of feflions, court of jufticiary, or court of exchequer in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no effoin, protection, privilege, wager of law, or more than one imparlance, fhall be allowed, and wherein the plaintiff, if he or the fhall recover any penalty or penalties, fhall recover the fame for his or her own ufe, with full cofts of fuit.

Perfons counterfeiting any ftamp, or felling vellum, etc. with counterfeit marks, guilty of felony.

XXX. And be it further enacted by the authority aforefaid, That if any perfon fhall counterfeit or forge any feal, ftamp, or mark, directed or allowed to be ufed by this act, for the purpofe of denoting the duties by this act granted, or fhall counterfeit or refemble the impreffion of the fame, with intent to defraud his Majefty, his heirs and fucceffors, of any of the faid duties; or fhall utter, vend, or fell, any vellum, parchment, or paper, with fuch counterfeit mark or ftamp thereupon, knowing fuch mark or ftamp to be counterfeit; or if any perfon fhall privately or fraudulently ufe any feal, ftamp, or mark, directed or allowed to be ufed by this act, with intent to defraud his Majefty, his heirs and fucceffors, of any of the faid duties; every perfon fo offending, and being thereof convicted, fhall be adjudged a felon, and fhall fuffer death, as in cafes of felony, without benefit of clergy.

Provisions of former acts relating to ftamp-duties extended to this act.

XXXI. And be it further enacted by the authority aforefaid, That all powers, provisions, articles, claufes, and all other matters and things, prefcribed or appointed by any former act or acts of parliament relating to the ftamp-duties on vellum, parchment, and paper, fhall be in full force and effect with relation to the rates and duties hereby impofed, and fhall be applied and put in execution for the raifing, levying, collecting, and fecuring the faid new rates and duties hereby impofed, according to the true intent and meaning of this act, as fully, to all intents and purpofes, as if the fame had feverally and refpectively been hereby enacted with relation to the faid new rates and duties hereby impofed.

Duties to be paid into the exchequer.

XXXII. And be it further enacted by the authority aforefaid, That the feveral duties herein-before granted fhall be paid, from time to time, into the hands of the receiver general for the time being of the duties on ftamped vellum, parchment, and paper, who fhall keep a feparate and diftinct account of the feveral rates and duties, and pay the fame (the neceffary charges

of

of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time, and in such manner, as the duties charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the same receipt shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered, separate and apart from all other monies paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money, so paid into the said receipt of exchequer as aforesaid, shall, together with such other rates, duties, and revenues, as shall be granted by any act or acts of this session of parliament for this purpose, be a fund for the payment of the several annuities, and all other charges and expences as are directed to be paid and payable pursuant to an act of this present session of parliament, (intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures.*)

and kept
separately.

Application
of the duties.

XXXIII. And it is hereby enacted by the authority aforesaid, That if at any time or times it shall happen that the produce of the several duties granted by this act, together with the several other duties, revenues, and taxes, granted in the last session of parliament for the payment of the several and respective annuities granted by an act of the last session of parliament, (intituled, *An act for raising a certain sum of money by way of annuities, and for establishing a lottery*); and also by another act, made in the same session, *for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures*; together with the several other duties, revenues, and taxes, granted in this session of parliament, for the payment of the annuities granted by another act, made in this session of parliament, (intituled, *An act for granting annuities to satisfy certain navy, victualling, and transport bills, and ordnance debentures*), together with the other charges and expences attending the said respective annuities, to be satisfied and paid out of the same, at the end of any or either of the half-yearly days of payment at which the same are directed by the said acts to be paid; then, and so often, and in every such case, such deficiency or deficiencies shall and may be supplied out of any of the monies which at any time or times shall be or remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues composing the fund, commonly called, *The sinking fund*, (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf); and such monies of the said sinking fund shall and may be, from time to time, issued and applied accordingly; and if at any time or times, before any monies of the said fund, established as aforesaid, shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying the several annuities as aforesaid, which shall be actually incurred and grown due at any of the respective half-yearly days

Deficiencies
in the duties
imposed for
paying the
annuities
granted by
24 Geo. 3.
c. 10; 24 Geo.
3. c. 39; and
25 Geo. 3. c.
32. to be
made good
out of the
sinking fund;

for

for payment of the fame, that then, and in every fuch cafe, the money fo wanted fhall and may be fupplied out of the monies of the faid finking fund, (except as before excepted), and be iffued accordingly.

XXXIV. Provided always, and be it enacted by the authority aforefaid, That whatever monies fhall be iffued out of the faid finking fund fhall, from time to time, be replaced by and out of the firft fupplies to be then after granted in parliament.

XXXV. Provided always, and be it enacted by the authority aforefaid, That in cafe there fhall be any furplus or remainder of the monies arifing by the faid funds, after the faid feveral and refpective annuities, granted by the afore-mentioned act, *for raifing a certain fum of money by way of annuities, and for eftablifhing a lottery,* and alfo the annuities granted in refpect of the money due for bills payable in the courfe of the navy and victualling offices, and for transports, and alfo for ordnance debentures, converted into annuities in purfuaunce of the faid acts, made in the laft and this prefent feffion of parliament, and all arrears thereof, are fatisfied, or money fufficient fhall be referved for that purpofe, fuch furplus or remainder fhall, from time to time, be referved in the exchequer for the future difpofition of parliament.

XXXVI. And be it further enacted by the authority aforefaid, That if any perfon or perfons fhall, at any time or times, be fued, molefted, or profecuted, for any thing by him or them done or executed in purfuaunce of this act, or of any clause, matter, or thing, herein contained, fuch perfon or perfons fhall or may plead the general iffue, and give the fpecial matter in evidence, for his or their defence; and if upon the trial a verdict fhall pafs for the defendant or defendants, or the plaintiff or plaintiffs become nonfuit, then fuch defendant or defendants fhall have treble cofts awarded to him or them againft fuch plaintiff or plaintiffs.

Defendants may plead the general iffue.

and recover treble cofts.

T H E S C H E D U L E,

Stating the Forms to which this act refers.

No. 1.

Form of the certificates to be granted to folicitors, attornies, notaries, proffors, agents, and procurators, praftifing in the feveral courts of law and equity, and ecclefiaftical and other courts in Great Britain, by the refpective officers appointed for that purpofe, (mutatis mutandis.)

IN the court of [infer the name of the court in which the certificate is obtained] *in England, (or Scotland, or Wales, etcetera, as the cafe may be.)*

I. A.

I A. B. chief clerk [or deputy to the chief clerk, as the case may be] of the court of king's bench, [or clerk of the warrants in the court of common pleas, or as the case may otherwise be], do hereby certify that the above written C. D. who hath this day entered at my office his name and place of residence as an attorney, [or solicitor, notary, proctor, agent, or procurator, as the case may be], practising in town, [or in the country, as the case may require], in pursuance of an act of parliament, passed in the twenty-fifth year of the reign of his Majesty King George, the Third, for granting certain duties on certificates to be taken out by solicitors, attornies, notaries, proctors, agents, or procurators, is duly enrolled (or admitted, or registered, as the case may require) an attorney [or solicitor, notary, proctor, agent, or procurator, as the case may be] in this court. In witness whereof, I have this day of
in the year of the reign of set my hand here-
unto, (the same being first duly stamped according to the place of
residence of the said C. D. herein above written.)

A. B.

No. 2.

*Form of the memorandum or minute to sue or defend, to be entered
in the respective courts, or filed of record.*

IN the court of [insert the name of the court
in which the proceedings are to be carried on] *in Eng-
land, (or Scotland, or Wales, etcetera, as the case may be.)*

Middlesex. } A. B. is retained to prosecute by C. D. as his at-
To wit. } torney [or solicitor, notary, proctor, agent, or procu-
No. rator, as the case may be] against E. F. [or other-
(on the File.) wife, as the case may be.]

A. B. plaintiff's attorney, [if by an agent to the
solicitor, etcetera, immediately retained,
add] by G. H. his agent.

*Entered or filed of record (as the case may require), this
day of in the year of the reign of*

[officer's name.]

No. 3.

The like form for the defendant's attorney, mutatis mutandis.

IN the court of [insert the name of the court,
as before].

Middlesex. } I. K. is retained to defend by E. F. as his attorney,
To wit. } at the suit of A. B.

I. K. defendant's attorney, [if by an agent,
add] by L. M. his agent.

*Entered or filed of record, this day of
in the year of the reign of*

[officer's name.]

No. 4.

Form of the memorandum or minute of a cognovit actionem, or warrant of attorney to enter up or acknowledge judgement, in the reſpective courts referred to by this act.

IN the court of [infer the name of the court, as before].

Middleſex, } A. B. is retained to enter up judgement on a cognovit
To wit. } actionem, (or warrant of attorney to acknowledge
judgement, as the caſe may require), dated on the
day of at the ſuit of C. D. againſt E. F.

A. B. attorney; (if by an agent, add) by
G. H. his agent.

Entered (or filed of record, as the caſe may require), this
day of in the year of the reign
of

[officer's name.]

C A P. LXXXI.

An act for the better ſecuring the duties payable on tobacco.

Preamble.

WHEREAS the many regulations already provided by law to prevent the fraudulent and clandestine importation of tobacco into the kingdom of Great Britain, and to prevent the relanding of the ſame within the ſaid kingdom, after it has been ſhipped for exportation, or exported from the ſaid kingdom, have been found ineffectual: may it therefore pleaſe your Maſteſty that it may be enacted; and be enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That, from and after the firſt day of January, one thouſand ſeven hundred and eighty-fix, no tobacco whatſoever ſhall be imported or brought into Great Britain (except tobacco of the growth, production, or manufacture of the plantations or dominions of Spain or Portugal, imported reſpectively in the manner, and under the reſtrictions and regulations, and paying the ſame duties, which ſuch tobacco was ſubject and liable to by all and every act and acts of parliament in force at the time of making this preſent act; and except tobacco of the growth of Ireland, imported as by law allowed before the making of this act), other than from ſome port or place within his Maſteſty's colonies, plantations, iſlands, or territories in America, or from ſome port or place within the United States of America, upon pain of forfeiture thereof, together with the package containing the ſame, and alſo the ſhip or veſſel on board or in which the ſame ſhall be imported or brought, together with her guns, furniture, ammunition, tackle, and apparel.

II. And

From Jan. 1, 1786, no tobacco but from America, (except of the growth of Spain or Portugal or of Ireland), to be imported into Great Britain.

II. And be it further enacted, That no tobacco whatsoever shall be imported or brought into *Great Britain* from any port or place whatsoever within his Majesty's said colonies, plantations, islands, or territories in *America*, or, from and after the first day of *January*, one thousand seven hundred and eighty-six, from any port or place whatsoever within the said United States of *America*, in any ship or vessel of less burthen than seventy tons, and which ship or vessel is either *British* built, or belonging to the United States of *America*, and navigated in manner following; that is to say, If a *British* built ship, with the master and three fourths of the mariners *British*, and if belonging to the said United States of *America*, with the master and three fourths of the mariners belonging to the said United States; and no tobacco, other than of the growth or production of his Majesty's said colonies, plantations, islands, or territories in *America*, or of the growth or production of the said United States of *America*, shall be so as aforesaid imported or brought into *Great Britain*, and shall not be so imported other than directly from some port or place in his Majesty's said colonies, plantations, islands, or territories in *America*, or in the said United States of *America*, respectively, and into some one or other of the ports or places herein-after mentioned in *Great Britain*; that is to say, *London, Bristol, Liverpool, Lancaster, Cowes, Whitehaven, Hull, Port Glasgow, and Greenock*, and no other, upon pain of forfeiture thereof, together with the casks and package containing the same: provided nevertheless, That if any tobacco of the growth or produce of the said United States of *America* shall, in the fair and lawful way of barter or traffick between the people of those states and the people of his Majesty's islands in the *West Indies*, or of his Majesty's colonies or plantations in *America*, be imported or brought from the said United States into any of the said islands or plantations, in a *British*-built ship so navigated as aforesaid, it shall and may be lawful to export from the said islands in the *West Indies* the same tobacco, and to import it directly from thence into some one or other of the said respective ports herein-before enumerated in *Great Britain*, in a *British*-built ship or vessel of a burthen not less than seventy tons, and so navigated as before directed, upon the same duties, and on the same terms in every respect, as tobacco is allowed to be imported into *Great Britain* directly from some port or place in his Majesty's colonies, plantations, islands, or territories in *America*, or directly from some port or place in the said United States of *America*; provided such tobacco shall be accompanied with the like documents, and shall in every respect come under the several restrictions and regulations herein-after directed and required by this act for tobacco so to be imported into *Great Britain* as aforesaid directly, either from his Majesty's said colonies, plantations, islands, or territories in *America*, or from the said United States of *America*; and provided, in the manifest or manifests,

Restrictions on importation of tobacco from America.

American tobacco imported in traffick into the West India islands, may be from thence imported into Great Britain

or content or contents in writings, accompanying into *Great Britain* such tobacco so imported from the said United States as aforesaid into the said islands in the *West Indies*, or the said colonies or plantations in *North America*, and afterwards imported into *Great Britain* as aforesaid from thence, the name or names of the several and respective vessels which shall have so imported such tobacco from the said United States into those islands, colonies, or plantations respectively, and the name or names of the several and respective masters of those several and respective ships, shall be particularly set forth and specified.

No tobacco to be imported but in casks, &c. containing 450 pounds weight.

III. And be it further enacted, That no tobacco shall be so as aforesaid imported or brought into *Great Britain*, otherwise than in hogheads, casks, chests, or cases, each hoghead, cask, chest, or case whereof shall contain four hundred and fifty pounds weight net of tobacco, at the least, not packed in bags, or in any other packages, within such hoghead, cask, chest, or case, nor separated or divided, within such hoghead, cask, chest, or case, respectively, by any package, or otherwise howsoever, upon forfeiture of all such tobacco as shall be so imported contrary to this act, together with the hogheads, casks, chests, cases, or other package containing the same; and the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit treble the value of the said tobacco so forfeited as aforesaid.

Tobacco may be brought loose for the use of the seamen, &c. at the rate of five pounds each.

IV. Provided always, and it is hereby further enacted and declared, That nothing in this act shall extend, or be construed to extend to forfeit any tobacco imported or brought loose in any ship or vessel, for the use of the seamen then belonging to or on board the said ship or vessel, or for the use of the passengers on board such ship or vessel, not exceeding five pounds weight for each person.

Small quantities of tobacco, being on board a vessel without the knowledge of the master, shall not make her liable to forfeiture.

V. Provided also, and be it further enacted, That nothing in this act shall extend, or be construed to extend, to prevent evidence from being received, in any suit or information brought for the forfeiture of any vessel, for or on account of any tobacco imported or brought into *Great Britain* in such ship or vessel, in order to shew, from the smallness of the quantity of the said tobacco, and other circumstances of the case, that the said tobacco was on board such ship or vessel without the knowledge and privity of the owner, or of the master, or other person having the charge or command thereof, and without any wilful neglect or want of reasonable care in the discharge of the duty of such owner, master, or other person having the charge or command of such ship or vessel; and in every such case, where proof shall be made, from the smallness of the quantity of tobacco, and other circumstances, that such small quantity was on board without the knowledge, privity, or consent, either of the owner, or the master, or other person having the charge or command thereof, and without any wilful neglect or want of reasonable care, either in the owner, or in the master, or other person

son having the charge or command of such ship or vessel, then, and in every such case, such ship or vessel shall not be forfeited for or on account of such small quantity of tobacco.

VI. And be it further enacted, That when any ship or vessel whatsoever shall have taken on board tobacco, at any port or place whatsoever within his Majesty's colonies, plantations, islands, or territories in *America*, in order to convey the same from thence into *Great Britain*, the collector and comptroller, and two other chief officers employed in the management of the customs, at such port or other place where such ship or vessel shall have taken on board tobacco, shall, at and upon the clearing of every such ship or vessel by the proper officers of the customs appointed for that purpose, deliver to the master, or other person having or taking the charge or command of such ship or vessel, a manifest or content in writing, under their hands and seals of office, which said manifest or content shall contain the name of the port or place where such tobacco, in such manifest or content mentioned, shall have been so taken on board, the name of the ship or vessel so taking the same on board, and the tonnage thereof, and a true account of all the tobacco so laden on board such ship or vessel, with the number of hogheads, casks, chests, and cases containing the same, and the particular weight of the tobacco contained in each particular hoghead, cask, chest, and case, together with the marks and numbers set on each and every hoghead, cask, chest, or case thereof, with the care of each particular hoghead, cask, chest, or case in which such tobacco shall be contained; which said particular weight of the tobacco and tare, respectively, shall also be marked on each and every such hoghead, cask, chest, or case respectively; and such officers as aforesaid shall also, at and upon the clearing of every such ship or vessel as aforesaid, immediately transmit a duplicate or duplicates of such manifest or content to the respective commissioners of the customs in *Great Britain*; and if any collector, comptroller, or other chief officer or officers of the customs, at any such port or place, shall, at and upon the clearing of any such ship or vessel having tobacco on board as aforesaid, neglect or refuse to deliver to the master, or other person having or taking the charge or command of any such ship or vessel, such manifest or content as is herein-before directed, or shall not as herein-before directed, transmit a duplicate or duplicates of such manifest or content to the said respective commissioners of the customs in *Great Britain* respectively as aforesaid, he or they shall respectively forfeit and lose, for every such offence, the sum of two hundred pounds; or if such collector, comptroller, or other chief officer or officers, shall knowingly deliver a false or fictitious manifest or content, or transmit a false or fictitious duplicate or duplicates of any manifest or content, contrary to the true intent and meaning of this act, he or they shall respectively forfeit and lose, for every such offence so committed, the sum of five hundred pounds; and every such collector, comptroller, or other chief officer or

Officers of the customs in *America* to deliver to the master on clearing a manifest, and transmit a duplicate to the commissioners of the customs in *Great Britain*.

Penalties on neglect of transmitting a duplicate of manifest, and on delivery or transmission of a false one.

officers, upon being duly convicted of knowingly delivering a false or fictitious manifest or content, or transmitting a false or fictitious duplicate or duplicates, as aforesaid, shall forfeit and lose his employment, and from thenceforth be rendered incapable of serving his Majesty in any place or trust whatsoever.

No tobacco of the growth of the American states to be imported without a manifest sworn to by the master of the vessel.

VII. And be it further enacted, That no tobacco of the growth or production of the United States of *America*, except such tobacco as shall be water-borne before the said first day of *January*, one thousand seven hundred and eighty-six, shall be imported or brought into *Great Britain* from the said United States, in any ship or vessel whatsoever, unless the master, or other person having or taking the charge or command of every ship or vessel importing such tobacco, shall have on board a manifest or manifests, or content or contents in writing, made out and signed by such master or other person, on or before the clearing of every such ship or vessel, at all and each and every of the ports or places within the said United States where such tobacco shall be laden on board, containing the name or names of the several and respective ports or places where the tobacco in such manifest or manifests, or content or contents mentioned, shall have been so respectively laden on board, the name of the ship or vessel in which the tobacco shall be so laden, and the tonnage thereof, with the several other particulars before directed and required by this act to be delivered by the collector and comptroller, or two other chief officers of his Majesty's customs, at the ports or places in his Majesty's said colonies, plantations, islands, or territories in *America*, to the master, or other person having or taking the charge or command of any ship or vessel cleared out from thence laden with tobacco, to be imported from thence into *Great Britain* as aforesaid; upon which said manifest or manifests, or content or contents in writing, so to accompany tobacco imported into *Great Britain* from the said United States, there shall be indorsed the oath of the master, or other person having or taking the charge or command of the ship or vessel so laden as aforesaid with tobacco in the said United States, testifying the truth thereof, and sworn to by the said master or other person, on or before the clearing as aforesaid of such ship or vessel in the said United States, before the *British* consul, if there shall be any one then resident at or near to the port or place where such tobacco shall be so laden, or before some magistrate or publick officer residing at or near to such place, if there be not any *British* consul there.

Penalty on importation of tobacco without a manifest.

VIII. And be it further enacted, That if any tobacco shall be imported or brought as aforesaid into *Great Britain*, in any ship or vessel whatsoever, from any port or place within his Majesty's colonies, plantations, islands, or territories in *America*, or from any port or place within the United States of *America*, without such manifest or manifests, or content or contents in writing, as before directed, all such tobacco so imported or brought into *Great Britain*, shall be subject and liable to the same

same duties as tobacco of the growth of the *Spanish* or *Portuguese* plantations; and the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit and lose the sum of one hundred pounds.

IX. And be it further enacted, That every master, or other person having or taking the charge or command of any ship or vessel, in which any tobacco shall be so imported or brought as aforesaid into any of the several and respective ports in *Great Britain* herein-before enumerated, either from any port or place within his Majesty's said colonies, plantations, islands, or territories in *America*, or from any port or place within the said United States of *America*, shall, upon demand, produce all and every such manifest or manifests, or content or contents in writing, which such master or other person is before directed and required by this act to have on board his said ship or vessel, to all and every officer and officers of his Majesty's customs who shall come on board his said ship or vessel, upon the arrival of such ship or vessel as aforesaid within the limits of any such port, for his or their perusal, examination, and inspection thereof; which said several officers, to whom the same shall have been so produced, shall certify, upon the back thereof, the production of the same; and the said master, or other person so having or taking the charge or command of any such ship or vessel as aforesaid, shall not only produce to the officer or officers of his Majesty's customs who shall first come on board such ship or vessel, upon her arrival as aforesaid within any of the said ports in *Great Britain* herein-before enumerated, such manifest or manifests, or content or contents in writing as aforesaid, but shall give and deliver to him or them a true copy or copies thereof (such copy or copies to be provided by and at the expence of the said master or other person); the production of which said manifest or manifests, or content or contents in writing, and the receipt of such copy or copies thereof as before directed, shall be certified by the said officer or officers of his Majesty's customs, who shall so first as aforesaid come on board the said ship or vessel, to have been so delivered as aforesaid, upon the back of the said original manifest or manifests, or content or contents in writing, with the particular day, and the time when, such officer or officers so received the same; and such officer or officers is and are hereby required, at the next custom house to the place where he or they shall have so received the said copy or copies of such manifest or manifests, or content or contents in writing as aforesaid, within twenty-four hours after the time he or they shall have so received the same, to make an entry thereof, or cause the same to be entered, in a book to be kept for that purpose at the several and respective custom houses at the said several and respective ports in *Great Britain*, where such tobacco as aforesaid is permitted to be imported and brought; and after the same shall have been so entered as aforesaid, the said officer or officers who shall have so entered, or caused the same to be entered in the said book as

Manifest to be produced to officers of the customs of the port where a ship arrives.

Copies of manifest to be given to the officer of the customs, in order to be entered at the nearest custom house.

Copy after entry to be transmitted to the commissioners of cus-

toms, and the officer to lock down the hatchways.

aforefaid, fhall forthwith tranfmit, or caufe to be tranfmitted, the faid copy or copies of the faid manifefl or manifefls, or content or contents in writing, to the faid refpective commiffioners of his Majefty's customs in *Great Britain*; and fuch officer or officers who fhall have fo received fuch copy or copies fhall, and is and are hereby required to batten and lock down the main and other hatchway and hatchways leading to the hold or place of ftowage in fuch fhip or veflel, and the mafter, or other perfon having the charge or command of fuch fhip or veflel, fhall, and is hereby required to affift, or caufe to be affifted, the faid officer or officers of his Majefty's customs, by a fufficient number of the crew of fuch fhip or veflel, in the battening and locking down the faid hatchway or hatchways.

Penalty on not producing, or giving copies of manifefls to the officers of the customs, and on refufal to affift in locking down the hatchways.

X. And be it further enacted, That if the mafter, or other perfon having or taking the charge or command of any fhip or veflel in which any fuch tobacco fhall be fo imported or brought into *Great Britain* as aforefaid, fhall not produce fuch manifefl or manifefls, or content or contents in writing to each and every the officer and officers of his Majefty's customs as aforefaid, upon demand thereof and alfo give fuch copy or copies thereof as aforefaid to the officer or officers of his Majefty's customs, who fhall firft come on board fuch fhip or veflel upon her arrival as aforefaid, within any of the faid ports in *Great Britain* herein-before enumerated, all the tobacco on board fuch fhip or veflel fhall be deemed and taken to be tobacco imported or brought into *Great Britain* without a manifefl or manifefls, or content or contents in writing, as before directed, and fhall be fubject and liable to the fame duties as tobacco of the growth of the *Spanifh* or *Portuguefe* plantations; and the mafter, or other perfon having or taking the charge or command of fuch fhip or veflel, fhall forfeit and lofe the fum of one hundred pounds, and fuch mafter or other perfon, if he fhall not aid and affift, or caufe to be aided and affifted, the officer or officers of the customs as aforefaid, in battening and locking down the main and other hatchway and hatchways leading to the hold or place of ftowage as aforefaid, fuch mafter or other perfon fhall likewise forfeit and lofe the fum of one hundred pounds.

Penalty on officers neglecting to require the production of manifefls, etc.

XI. And be it further enacted, That if any officer or officers of his Majefty's customs fhall go on board any fhip or veflel, in which any tobacco fhall be fo imported or brought into *Great Britain* as aforefaid, and fhall not demand, as aforefaid, the production of the manifefl or manifefls, or content or contents in writing as aforefaid; or in cafe, upon production thereof, fuch officer or officers fhall not certify thereupon the production thereof as aforefaid; or if any officer or officers of his Majefty's customs, who fhall firft go on board fuch fhip or veflel within the port of difcharge for any fuch tobacco fo imported or brought into *Great Britain* as aforefaid, and to whom fuch manifefl or manifefls, or content or contents in writing, fhall have been fo produced, and a copy or copies thereof given or delivered as aforefaid, fhall neglect or omit to certify the receipt of

of fuch copy or copies in the manner herein-before directed, or fhall not, within twenty-four hours after the time of receiving fuch copy or copies as aforefaid, (unlefs prevented by fome unavoidable accident or reasonable caufe) enter, or caufe to be entered, fuch copy or copies in the book fo directed to be kept for that purpofe as aforefaid, or fhall not tranfmit the faid copy or copies with all convenient fpeed, and without lofs of time, to the faid refpective commiffioners of his Majesty's customs in *Great Britain*, as herein-before is directed, or fhall neglect or omit to batten and lock down the hatchway and hatchways as aforefaid, fuch officer or officers fhall, for each and every fuch offence refpectively, forfeit and lofe the fum of one hundred pounds.

XII. And be it further enacted, That the commiffioners of his Majesty's customs in *England*, or any four or more of them for the time being, fhall, and are hereby required to fix and appoint, or caufe to be fixed and appointed, and from time to time continued, at each and every of the refpective ports in *England* herein-after mentioned; that is to fay, *London, Bristol, Liverpool, Lancafter, Cowes, Whitehaven, and Hull*, a certain place for the purpofe of mooring every fhip or veffel, which fhall fo as aforefaid come or arrive within any of thofe refpective ports, laden with tobacco as aforefaid; from which place fuch refpective fhips or veffels fhall not, on any pretence whatsoever, depart, until their refpective cargoes of tobacco fhall have been delivered from them in the manner herein-after mentioned, and until fuch fhips or veffels fhall be regularly cleared by the proper officer or officers of the customs for that purpofe; and the commiffioners of his Majesty's customs in *Scotland*, or any three or more of them for the time being, are hereby in like manner authorifed and required to fix and appoint, or caufe to be fixed and appointed, and from time to time continued, at each and every of the faid refpective ports in *Scotland* herein-after mentioned; that is to fay, *Greenock or Port Glasgow*, a certain place for the purpofe of mooring fuch fhips or veffels as fhall come to or arrive at any of the faid refpective ports in *Scotland* herein-before enumerated; from which place fuch refpective fhips or veffels fhall not, on any pretence whatsoever, depart, until their refpective cargoes of tobacco fhall have been delivered from them in the manner herein-after mentioned, and until fuch fhips or veffels fhall have been regularly cleared by the proper officer or officers of the customs for that purpofe; and if the mafter of any fhip or veffel, having fuch tobacco on board as aforefaid, upon her arrival at any of the before-mentioned ports in *England* or *Scotland* refpectively, fhall not forthwith comply with all and every the directions, requifitions, and regulations, given, required, fixed upon, or appointed by the faid refpective commiffioners of the customs, or any four or more of them for the time being, in *England*, or the commiffioners of the customs, or any three or more of them for the time being, in *Scotland*, by virtue of and in purfuanee of the authority herein-before given, and the power

Commiffioners of customs to appoint a place for mooring fhips, till their cargoes are delivered.

Penalty on noncompliance with the regulations of the commiffioners of the customs.

power vested in such commissioners respectively, in order to secure the due payment of the duties upon the tobacco so to be imported or brought into *Great Britain*, such master, or other person having the charge or command of such ship or vessel, shall forfeit and lose the sum of fifty pounds, unless, in the judgement of the said commissioners, such master or other person shall be prevented from such compliance by means of any unforeseen or unavoidable accident.

Penalty on breaking bulk without authority from the officer of the customs, unless from necessity.

XIII. And be it further enacted, That if, after the arrival of any ship or vessel so laden with tobacco as aforesaid, within the limits of any of the ports of *Great Britain*, or within four leagues of the coast thereof, bulk shall be broken, or any part of the cargo of such ship or vessel shall be unladed or unshipped, with intention to be laid on land, or unshipped for any other purpose whatsoever, out of such ship or vessel as aforesaid, within the limits or distance aforesaid, before such ship or vessel shall come to the place appointed for her discharge, as before directed, and shall be there duly authorized by the proper officer or officers of the customs to unlade the same (unless in case of unavoidable necessity and distress of weather, or other unavoidable accident, necessity, or distress; of which necessity and distress, or other unavoidable accident, the master, or other person having or taking the charge or command of such ship or vessel, shall give notice; and the said master, or other person having or taking the charge or command of such ship or vessel, together with two or more of the mariners on board such ship or vessel, shall make proof upon oath, before the collector, or other chief officer of the customs of the port within the limits of which such accident, necessity, or distress shall happen, or before the collector, or other chief officer of the first port in *Great Britain* within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity, or distress, shall have happened not within the limits of any port, but within four leagues of the coast of *Great Britain*, (which oath the said collector, or other chief officer, is hereby authorized and required to administer), every such ship or vessel, together with her cargo, and all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited and lost, and the said master, or other person having or taking the charge or command of such ship, shall forfeit and lose the sum of one hundred pounds; or if the fastenings or locks to the hatchway or hatchways on board any such ship or vessel, or any of them, after having been so battened and locked down as aforesaid by any officer or officers of his Majesty's customs as aforesaid, shall be broken before the said ship's arrival at her moorings as aforesaid, or before the same shall have been opened under the authority of the proper officer or officers of the customs as aforesaid, unless upon the like proof as before-mentioned of the unavoidable necessity thereof, made in the manner before directed in case of bulk being broken, or any part of the cargo unladed or unshipped as aforesaid, the master, or other person having or taking the charge

Penalty on unfastening locks without authority.

or

or command of ſuch ſhip or veſſel, ſhall forfeit and loſe the ſum of one hundred pounds.

XIV. And be it further enacted, That the maſter, or other perſon having or taking the charge or command of any ſhip or veſſel, in which ſuch tobacco ſhall be ſo imported or brought as aforeſaid into *Great Britain*, ſhall, on or before the arrival of ſuch ſhip or veſſel at her moorings as aforeſaid, at any one of the ſaid reſpective ports in *Great Britain* herein-before enumerated, make a juſt and true entry, upon oath, of the burthen, contents, and lading, of ſuch ſhip or veſſel, with the particular marks, numbers, qualities, and contents, of every parcel of goods then laden on board ſuch ſhip or veſſel, to the beſt of his knowledge and belief, and do and perform every act and thing in relation thereto, before the cuſtomer, collector, or other chief officer of the cuſtoms of the ſaid port, openly in the cuſtom houſe at the ſame port, in the manner and as directed and required by an act paſſed in the firſt year of the reign of her late maſteſty *Queen Elizabeth*, intituled, *An act for limiting the times for laying on land merchandize from beyond the ſeas, and touching cuſtoms for ſweet wines*; and by an act paſſed in the thirteenth and fourteenth years of the reign of his late maſteſty *King Charles the Second*, intituled, *An act for preventing frauds, and regulating abuſes in his Maſteſty's cuſtoms*, under the penalty of the forfeiture of one hundred pounds; and the ſaid maſter or other perſon ſhall, at the time that he ſo makes his report or ſaid entry upon oath of his ſhip at the cuſtom houſe as aforeſaid, deliver to the collector or other chief officer of the cuſtoms at the ſaid port, the manuſcript or manuſcripts, or content or contents in writing, as before directed to accompany ſuch reſpective cargoes, and to be on board every ſhip or veſſel in which tobacco ſhall be ſo imported or brought as aforeſaid into *Great Britain*; and if the ſaid maſter, or other perſon having or taking the charge or command of any ſuch ſhip or veſſel, ſhall omit, neglect, or reſuſe, to deliver ſuch manuſcript or manuſcripts, or content or contents in writing as aforeſaid, to the ſaid collector or other chief officer of the cuſtoms, at the time he ſo makes his ſaid report or entry upon oath of his ſhip at the cuſtom houſe as aforeſaid, every ſuch maſter, or other perſon ſo having or taking the charge or command of ſuch ſhip or veſſel ſhall, for every ſuch offence, forfeit and loſe the ſum one of hundred pounds.

XV. And be it further enacted, That all and every importer or importers, proprietor or proprietors, conſignee or conſignees, of any tobacco imported or brought into *Great Britain* as aforeſaid, ſhall ſeverally and reſpectively, within ten days, if the whole or the major part of the lading of the ſhip or veſſel in which the ſame ſhall be ſo imported or brought be tobacco, or within fifteen days, if the major part of the lading of ſuch ſhip or veſſel ſhall conſiſt of other goods, and not of tobacco, after the maſter, or other perſon having or taking the charge or command of ſuch ſhip or veſſel, ſhall have or ought to have made his report or ſaid entry upon oath of his ſhip, in manner

Maſter of veſſel to make an entry upon oath of the burthen, contents, etc. thereof, before the chief officer of the cuſtoms at the port agreeable to act 1 Eliz. c. 11; and act 13 and 14 Car. 2. c. 11; on penalty of 100l.; and to deliver his manuſcript, under like penalty for neglect.

Importers of tobacco to make entry within a limited time after arrival at any port in Great Britain of the quantity, etc.

manner herein-before directed, make, in the usual and accustomed manner, with the collector or other chief officer of the customs at the port in *Great Britain* where the said ship or vessel shall arrive so laden in the whole or in part with tobacco as aforesaid, a due entry in writing of all the tobacco so by them, and each and every of them, respectively imported in such ship or vessel, or of which they, and each and every of them, are the importers, proprietors, and consignees, respectively, agreeably to the several and respective marks, numbers, and contents, as specified in the manifest or manifests, content or contents in writing, relative to such respective tobacco, and also agreeably to the particulars set forth in the said report, or said entry upon oath, of the master, or other person having or taking the charge or command of the ship or vessel in which such tobacco shall be so as aforesaid respectively imported or brought into *Great Britain*; and the said respective importer or importers, proprietor or proprietors, or consignee or consignees, immediately after they have respectively so duly entered their said tobacco as aforesaid, with the said collector or other chief officer of the customs as aforesaid, provided he or they do not respectively forthwith pay into the hands of the collector, or other chief officer of the customs, the several subsidies, customs, duties, and imposts, due and payable for the said tobacco, shall, and are hereby directed and required, severally and respectively, to become bound unto his Majesty, his heirs and successors, in one or more bond or bonds, in the penalty of double the amount of the duties upon the tobacco so entered as aforesaid, for payment of the said subsidies, customs, duties, and imposts, within eighteen months, to commence at and from the expiration of twenty days after the report or said entry upon oath of the master, or other person having or taking the charge or command of the ship or vessel in which such tobacco shall be so imported or brought as aforesaid, or to commence from the said entry of such tobacco respectively, by the several and respective importers, proprietors, or consignees thereof as aforesaid, within those twenty days, which ever period of time shall first happen; which bond or bonds shall not be given up, cancelled, or discharged, but upon payment of the respective duties by such bond or bonds so secured to be paid, or upon the due exportation of the tobacco, for the payment of the duties upon which such bond or bonds are respectively given, under the restrictions and regulations herein-after directed.

XVI. And be it further enacted, That all tobacco which shall from time to time be so imported as aforesaid into *Great Britain*, shall, upon being landed, be forthwith carried and conveyed to, and having been examined, weighed, and dealt with in the manner herein-after directed, be forthwith deposited or lodged in, and secured at such particular warehouse or warehouses as shall be fixed upon, and from time to time appointed for that purpose, at the said several ports herein-before enumerated, within *Great Britain*, by the said commissioners of the customs,

and if duties are not forthwith paid, to give bond for payment.

Tabacco imported to be deposited in warehouses to be fixed upon by the commissioners of the customs.

customs, or any four or more of them for the time being, in *England*, or the said commissioners of the customs, or any three or more of them for the time being, in *Scotland*, respectively; and to which said respective warehouses, and no other, tobacco, upon being so landed as aforesaid, shall be carried or conveyed as aforesaid, under the guard and especial care of such officer or officers of the customs as shall from time to time be fixed upon and appointed for that purpose, under the authority of the said commissioners of the customs, or any four or more of them for the time being, in *England*, or the said commissioners of the customs, or any three or more of them for the time being, in *Scotland*, respectively.

XVII. And be it further enacted, That the said commissioners of the customs, or any four or more of them for the time being in *England*, and the said commissioners of the customs, or any three or more of them for the time being, in *Scotland*, respectively, are hereby authorised and impowered, out of any of the subsidies, customs, duties, or imposts, paid by virtue or in pursuance of any act or acts of parliament now in force, upon the importation of tobacco into *Great Britain*, to provide from time to time, as they shall deem requisite and necessary for the publick service, and for the service of revenue, a warehouse or warehouses at each and every of the said respective enumerated ports; in which warehouse or warehouses, and no other, all such tobacco, so as aforesaid imported or brought into *Great Britain*, shall be so deposited, or lodged and secured as aforesaid.

Commissioners to provide warehouses out of duties on tobacco.

XVIII. And be it further enacted, That the landing waiters appointed for the delivery of every ship or vessel so arriving as aforesaid at any of the several ports in *Great Britain* herein-before enumerated, from any port or place within his said Majesty's colonies, plantations, islands, or territories, in *America*, or from the said United States of *America*, having tobacco on board, shall, upon being so appointed to such ship or vessel as aforesaid, apply in the usual manner to the collector of the customs at such port for the usual entry or entries made of such tobacco, or warrant or warrants of entry, ascertaining the duties upon such tobacco either to have been paid or secured, and for the manifest or manifests, or content or contents in writing, accompanying the said tobacco, (who is hereby required and directed to deliver the same to such landing waiters); and such landing waiters are hereby directed and required not to suffer any part of the tobacco on board such ship or vessel to be landed until they have, from and agreeably to the manifest or manifests, or content or contents in writing, so delivered to them by the said collector, entered into their respective books (given to them by the directions of the commissioners of his Majesty's customs, for keeping accounts of goods by them delivered, or suffered to be delivered, from on board such ships) the several and respective entries so made as aforesaid, and the several and respective marks, numbers, weights, taxes, and contents, of the several hogheads, casks,

Landing waiters to apply to the collectors for the entries of imported tobacco, and not to suffer any to be landed till they have entered the particulars in their books, on penalty of 50*l*.

Landing waiters to give the usual permit to the officers on board for the delivery of any tobacco.

Regulations for delivery,

and for conveying the packages to the warehouses.

Landing waiters to fix landing marks on each case, etc. and enter the same in their books, on penalty of 50l.

casks, chests, and cases, as described and set forth in the manifest or manifests, or content or contents in writing, so directed as aforesaid, under the penalty of the forfeiture of fifty pounds; and the said landing waiters are hereby directed and required to give or deliver to such officer or officers of his Majesty's customs as shall be appointed for that purpose by the said commissioners of his Majesty's customs, or any four or more of them, in *England*, for the time being, or the commissioners of his Majesty's customs in *Scotland*, or any three or more of them for the time being, respectively, the usual and accustomed order or orders to the officers stationed on board such ship or vessel, permitting them to suffer such particular hogsheads or other packages of tobacco on board such ship or vessel, particularly described in such said order or orders, to be delivered from on board such ship or vessel, in the usual and accustomed manner; and such officer or officers of his Majesty's customs, to whom such order or orders shall be so delivered as aforesaid, from such landing waiters as aforesaid, shall forthwith repair on board such ship or vessel, and in the presence of the officers then stationed on board, and in the presence likewise of the master or other person having or taking the charge or command of such ship or vessel, if such master or other person be then on board, and thinks proper or chuses to attend, upon being acquainted therewith by the said officer or officers, open the main and other hatchway and hatchways leading to the hold or place of stowage as aforesaid in such ship or vessel, and bring, or cause to be brought, upon the deck of such ship or vessel, the several hogsheads or other packages of tobacco on board such ship or vessel, particularly mentioned and described in such order or orders so delivered to them as aforesaid by the landing waiters, and affix, or cause to be affixed, to each and every such hogshead, cask, chest, or case of tobacco, such mark or impression as the said commissioners of the customs for the time being, in *Great Britain*, respectively, shall direct for that purpose, with the progressive number to each and every such hogshead, cask, chest, or case; and after the said several hogsheads, casks, chests, and cases of tobacco have had such mark or impression so affixed to them respectively as aforesaid, the same is and are hereby directed and required to be unshipped into proper craft, and sent up under proper guards, and landed in the usual manner, and at the usual places, and to be conducted forthwith under proper guard, and the care of such officers as the said respective commissioners of his Majesty's customs in *Great Britain* shall respectively appoint for that purpose, to the respective warehouse or warehouses in which the same tobacco is to be so deposited, or lodged in and secured as aforesaid; and the said landing waiters so appointed as aforesaid to such respective ship or vessel, shall, and are hereby required, upon the respective hogsheads, casks, chests, or cases of tobacco being so brought as aforesaid to the said respective warehouse or warehouses, and at or near the same, to cause the usual and accustomed landing marks, or such

ſuch other landing marks as ſhall be from time to time directed by the ſaid reſpective commiſſioners of the cuſtoms in *Great Britain* as aforeſaid, to be fixed and ſet upon every hoghead, caſk, cheſt, or caſe whatſoever, containing ſuch tobacco ſo landed as aforeſaid; and the ſaid landing waiters are hereby alſo required to enter ſuch landing marks in their ſeveral and reſpective books ſo given to them as aforeſaid from the ſaid reſpective commiſſioners of the cuſtoms, upon pain of forfeiting the ſum of fifty pounds each; and the ſaid landing waiters at or near to the ſaid warehouse or warehouses are then to weigh, or cauſe to be weighed, the ſaid ſeveral and reſpective hogheads, caſks, cheſts, or caſes, and to inſert as uſual the ſeveral and reſpective weights in their ſaid reſpective books; and, in order to prevent diſputes between the officers who ſhall attend the weighing of ſuch tobacco as aforeſaid, and the importers, proprietors or conſignees in regard to the juſtice of the weights to be taken, it is hereby directed, that the weights ſhall be as minutely and correctly taken as poſſible, giving the turn of the ſcale in favour of the crown; but in lieu thereof, and that the merchant may not be aggrieved, the ſaid officers of the cuſtoms are hereby authorized and required to allow to the merchant two pounds weight avoirdupois upon every hoghead, caſk, cheſt, or caſe ſo reſpectively weighed; which mode, in regard to the turn of the ſcale, is hereby directed and required to be obſerved particularly, and followed in weighing tobacco for exportation to foreign parts, or on delivery thereof for home trade, as herein-after mentioned.

Landing waiters to weigh the tobacco.

Allowance in lieu of the turn of the ſcale.

XIX. And be it further enacted, That after the ſaid hogheads, caſks, cheſts, or caſes, have been ſo weighed as aforeſaid, the ſeveral importers, proprietors, or conſignees, or their agents, ſhall be permitted, in the preſence of the ſaid reſpective landing waiters, to draw or take, for the purpoſe of ſample only, out of each hoghead, caſk, cheſt, or caſe, ſo weighed as aforeſaid, as much tobacco as they ſhall reſpectively require, not exceeding four pounds weight; which ſaid tobacco, ſo taken as aforeſaid by way of ſample, ſhall be returned by the ſaid importers, proprietors, or conſignees, reſpectively, to be weighed together with the reſpective hoghead, caſk, cheſt, or caſe, out of which ſuch ſample tobacco hath been ſo taken as aforeſaid, upon the re-weighing thereof reſpectively, either for exportation or for home trade.

Samples may be taken of tobacco which has been weighed, but muſt be returned.

XX. And be it further enacted, That if it ſhall be found neceſſary by the ſaid merchants to take a ſecond ſample of tobacco, it ſhall be lawful for them ſo to do, provided, at the time of taking it, the firſt be returned and put into the reſpective hoghead, caſk, cheſt, or caſe, out of which it was taken, and provided ſuch ſecond ſample be taken in the preſence of the officer or officers of the cuſtoms in whoſe cuſtody the tobacco ſhall then be, and provided ſuch ſecond ſample ſhall not exceed four pounds weight; which ſaid ſecond ſample is hereby directed and

A ſecond ſample may be taken under the ſame reſtrictions, on return of the firſt ſample.

required to be returned in order to be weighed, either for exportation or home trade as aforefaid.

Landing waiters to furnish the warehouse keepers with copies of the entries, etc.

XXI. And be it further enacted, That the landing waiters, before they proceed to weigh any of the tobacco fo landed as aforefaid, fhall furnish the officer or officers of the customs, who fhall be appointed to the care of the refpective warehouse or warehouses in which the faid tobacco is to be fo lodged as aforefaid, and in whose custody fuch tobacco is to be fo deposited as aforefaid, with a copy of the feveral and refpective entries, or warrants of entry, for fuch refpective tobacco, and each and every day after they have fo weighed any of the fame tobacco, likewise furnish fuch officer or officers with the landing numbers and weights of each refpective hogfhead, cask, cheft, or cafe, fo refpectively weighed on that day, which the faid warehouse officer or officers are hereby directed to enter, or caufe to be entered, in proper books to be kept for that purpofe; and as foon as the whole cargo of tobacco of any one refpective fhip fhall have been fo landed, weighed, and deposited in fuch warehouse or warehouses refpectively as aforefaid, the landing waiters appointed to fuch fhip or vefel fhall forthwith furnish the faid warehouse officer or officers with one of their faid books fo kept as aforefaid by him or them for the fame fhip; and the faid warehouse officer or officers, after comparing the fame with the accounts kept by him or them from the materials with which he or they fhall have been fo furnished daily as aforefaid by the faid landing waiters, fhall the fame book fo left with them as aforefaid by the faid landing waiters, if the faid account of the faid warehouse officer or officers fhall be found in every refpect to correfpond therewith, and, after fo figning it, return the fame to the fame landing waiters.

and with a cheque book when the whole cargo is deposited, which after examination is to be returned figned to the landing waiter.

Landing waiters after the landing, etc. of the cargo, to deliver to the merchant an account of the marks and weights of the hogfhead, etc.

XXII. And be it further enacted, That the faid landing waiters fhall, fo foon as conveniently may be after the whole cargo of tobacco of any one refpective fhip or vefel fhall have been fo landed, weighed, and deposited in fuch warehouse or warehouses refpectively as aforefaid, deliver, without fee or reward, to each merchant having tobacco on board fuch refpective fhip or vefel, if required, an account from their faid books of the particular marks and numbers upon the feveral hogfheads, casks, chefts, or cafes, containing fuch merchant's tobacco, refpectively, with the particular weights of each fuch hogfhead, cask, cheft, or cafe, and the particulars of the damage cut off and feparated from the tobacco in each fuch feveral and refpective hogfheads, casks, chefts, or cafes.

Damaged tobacco to be burnt, if the duty is refused to be paid.

XXIII. And be it further enacted, That no allowance, either at the fcale, or otherwife, fhall be made to the importer or importers, proprietor or proprietors, or confignee or confignees, for or in confideration of any fuch tobacco fo imported or brought into *Great Britain* being damaged or mean; but in cafe any merchant or other perfon fhall refufe to enter, and pay or fecure the duties aforefaid for fuch tobacco, then he or they fhall

shall have liberty to refuse the same, or to separate such damaged tobacco, by cutting off from the hoghead or other package so much thereof; as he or they shall refuse to pay duty for; and the principal officers of his Majesty's customs, or any three or more of them; shall cause all such tobacco to be burnt or destroyed, without making any allowance to such importer, proprietor, or consignee, for freight or other charges, other than the allowances hereafter in this act provided; any law or custom to the contrary notwithstanding.

XXIV. Provided always, and it is hereby enacted and declared, That it shall not be lawful for any merchant or other person, nor shall they have liberty, to separate the stalk from the leaf, on pretence that the same is damaged or mean tobacco. The stalk not to be separated from the leaf.

XXV. Provided also, and be it further enacted, That in case any tobacco so imported or brought into *Great Britain* as aforesaid shall happen to receive damage on board any ship or vessel, by stress of weather at sea, or any damage by any such ship or vessel being forced on shore in any part of *Great Britain*, or if any unforeseen accident shall happen, after the arrival of any ship or vessel within the port for discharging her tobacco in *Great Britain*, by the ship's bulging on an anchor, or by the lighter into which the tobacco is put in order to be laid on land, or by any such like accident, whereby such tobacco shall receive damage, it shall and may be lawful to and for the commissioners or collectors, or other chief officers of his Majesty's customs, to allow and pay to the importer, proprietor, or consignee, at the rate of one halfpenny for every pound of such tobacco for which the importer, proprietor, or consignee, shall refuse to pay or secure the full duties, and which shall be cut off or separated from the sound tobacco, in order to be burnt, or otherwise publicly destroyed, by the officers of his Majesty's customs, so as such allowance shall not exceed thirty shillings for all the tobacco damaged in any one single hoghead, cask, chest, or case imported; any thing herein contained to the contrary notwithstanding. Allowance for tobacco actually damaged on ship-board, etc.

XXVI. Provided nevertheless, and it is hereby declared and enacted, That if, upon the landing and examination of any unmanufactured tobacco so imported into *Great Britain* as aforesaid, it shall appear that the tobacco in any of the hogheads, casks, chests, or cases containing the same, is so much damaged, that by cutting off the damaged part thereof (for which no duty is to be paid) the sound tobacco remaining in any of such hogheads, casks, chests, or cases (for which duty is to be paid) is under the weight of four hundred and fifty pounds, then, and in such case, it shall and may be lawful for the importer or importers, proprietor or proprietors, or consignee or consignees thereof, in the presence of the landing waiters appointed to deliver the ship in which the same was imported, to cause all such sound tobacco to be put together into one or more of the same hogheads, casks, chests, or cases, out of which the damaged tobacco

Regulations for repacking and exporting the sound part of damaged tobacco.

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tobacco was taken; and the said landing waiters, or other proper officers, are hereby directed and required to enter into their respective books the true and exact weight of all such sound tobacco put into each and every such hoghead, cask, chest, or case, with the several and respective marks and numbers set on each and every such hoghead, cask, chest, or case, and also to note and specify in their books that such hogheads, casks, chests, or cases were packed and re-filled in their presence; and all and every such hogheads, casks, chests, or cases, of unmanufactured tobacco, shall and may be exported from the warehouse or warehouses into which the same shall have been so respectively lodged or deposited, and secured as aforesaid, provided the quantity of the tobacco in each such hoghead, cask, chest, or case, shall amount to four hundred and twenty-five pounds weight, or more, in the same manner and form, to all intents and purposes, as if the package of such tobacco had not been altered; any thing herein-before contained to the contrary notwithstanding.

Regulations
on entry of
tobacco for
exportation.

XXVII. And be it further enacted, That all and every person and persons who shall enter, at any of the several ports in *Great Britain* herein-before enumerated, any such tobacco, in order to be shipped and exported, in any ship or vessel whatsoever, to any part or parts beyond the seas, shall, at or near to the warehouse or warehouses in which such tobacco shall have been so as aforesaid lodged or deposited, and secured as aforesaid, and before the same, or any part thereof, is finally discharged from the custody of the officer or officers of the said respective warehouse or warehouses, in order to be laden on board any ship or vessel to be so exported, indorse upon the cocquet and bill to be delivered to the searcher or searchers belonging to the customs, and appointed to examine tobacco shipped for exportation, in a fair, distinct, and legible manner, the plantation or manifest mark and number which was upon each and every such hoghead, cask, chest, or case of tobacco, at the time when the same was first imported into *Great Britain*, and also the landing marks and numbers which were placed and set upon each and every such hoghead, cask, chest, or case thereof, when the same was first landed in *Great Britain*, together with the exact weight of the tobacco contained in each and every such hoghead, cask, chest, or case, at the time of its being landed in *Great Britain*; and likewise indorse upon the same cocquet and bill, after weighing, in the presence of the officer or officers of the customs appointed to that business by the respective commissioners of the customs in *Great Britain* for the time being respectively, the tobacco so entered for exportation, the then weight of the tobacco contained in each particular hoghead, cask, chest, or case at the time it is so weighed for exportation; and the searcher or searchers shall not admit any cocquet unless marked as aforesaid; and all and every exporter and exporters of tobacco shall also write off, and they are hereby required and directed to write off the weight of each hoghead,

head, cask, chest, or case of unmanufactured tobacco by him, her, or them exported from any port as aforesaid of *Great Britain*, to any part or parts beyond the seas, from the identical and particular entry made of each and every such hoghead, cask, chest, or case of such unmanufactured tobacco, at the time when it was first imported into *Great Britain*; and if any person or persons whatsoever, who shall enter outwards for exportation, to any part or parts beyond the seas, from any port or place in *Great Britain*, any such unmanufactured tobacco, shall neglect or refuse to indorse upon the cocquet and bill for the said tobacco, delivered to the searchers, in a fair, distinct, and legible manner, all and each and every of the several and respective marks, numbers, and weights herein-before mentioned and described, and in the manner and form the same is hereby required and directed to be done, or who shall neglect or refuse to write off the weight of each and every hoghead, cask, chest, or case of unmanufactured tobacco by him, her, or them exported, from the identical entry made thereof, at the time when the same was first imported into *Great Britain*, agreeable to the directions herein-before given for that purpose; all and each and every such person or persons, so offending in either one or other of those particulars, shall forfeit and lose the sum of five pounds for every hoghead, cask, chest, or case of such unmanufactured tobacco not indorsed upon the said cocquet and bill as aforesaid, or the weight of which shall not be so respectively written off in manner herein-before directed; any law, statute, or usage to the contrary in anywise notwithstanding.

Penalty on neglect.

XXVIII. Provided always, and be it enacted, That if any importer or proprietor of tobacco, that hath given security as aforesaid for the payment of the said duties in eighteen months, shall be desirous to discharge his bond or bonds, or any part thereof, in ready money, sooner than the expiration of the said eighteen months, he shall be abated, upon such bond or bonds, so much as the discount, at the rate of seven pounds *per centum per annum*, shall amount to in proportion to the time unexpired;

Discount to be allowed on payment of bonds before they become due.

XXIX. And be it further enacted, That no debenture shall be made forth for any tobacco so imported as aforesaid into *Great Britain*, or any drawback be paid or allowed for the same, when exported, or entered outwards for exportation, to any part or parts beyond the seas, unless the same, and every part thereof, be shipped and exported from the very same port or place at which such identical tobacco was originally imported into *Great Britain*, and no other; and unless the same identical tobacco, if unmanufactured, and every part thereof, be shipped and exported in the original package, with the same marks in and with which it was at first imported into *Great Britain*, together with the landing mark herein-before required to be placed and set thereupon, and no other, without any alteration whatsoever being made in the package (except such as shall be occasioned by necessary coöperage for the repairs of the said package), or any other tobacco being put therein, or any part

No manufactured tobacco to be exported, but in the same packages, and from the same port where it was originally imported.

of the tobacco being removed or taken out of the package in which it was at first imported, (except fuch tobacco as fhall have been fo taken out for fample as before allowed, and directed to be fo returned into fuch original package for exportation as aforefaid; and if any perfon or perfons whatfoever fhall enter any tobacco for exportation at any other port or place than that at which the fame identical tobacco was imported, or in any other cask or package (if unmanufactured tobacco) than the fame in which it was originally imported, or without the fame marks, and the faid landing marks, all fuch tobacco fhall be forfeited, and no drawback fhall be paid thereupon; or if any be paid, the fame fhall be repaid, and the perfon who entered, or caufed the fame to be entered, fhall forfeit the fum of two hundred pounds; and whofoever fhall knowingly export beyond the feas any hogfhead, or other package of tobacco, contrary to the true intent and meaning of this act, he, ſhe, or they, fo offending, fhall forfeit and lofe the fum of twenty pounds for every fuch hogfhead, or other package of tobacco fo exported.

Penalty.

Before tobacco is taken out of any warehouse, the bonded duties to be paid, and the vouchers thereof to be deposited with the warehouse keeper.

XXX. And be it further enacted, That when any fuch tobacco, fo warehoused as aforefaid, fhall be intended to be taken out of any fuch refpective warehouse or warehouses, for home trade, the perfon or perfons who fhall intend to take the fame out of fuch warehouse or warehouses, whether fuch perfon or perfons be the original importer or importers, proprietor or proprietors, or confignee or confignees thereof, or the purchafer or purchafers of fuch tobacco from fuch importer or importers, proprietor or proprietors, or confignee or confignees, fhall, before fuch tobacco is taken out of fuch refpective warehouse or warehouses, pay down in ready money, to the collector or other chief officer of his Majesty's customs, at the refpective port where fuch tobacco fhall fo be warehoused, the duties fecured by bond or bonds, in manner before directed, for fuch refpective tobacco, and fhall produce to, and leave and deposit with, the officer or officers in whole cuftody fuch tobacco fhall then be, a clear, diftinct, and proper voucher or vouchers, from the collector or other chief officer of the customs (which faid officer is hereby directed and required to grant the fame, without fee or reward, to the perfon or perfons who fhall have fo as aforefaid paid the duties for fuch tobacco, on his application to fuch officer for the fame) directed to fuch officer or officers of the customs in whole cuftody fuch tobacco fhall then be, afcertaining the duties to have been paid for fuch refpective tobacco; and the faid collector, or other chief officer of the customs, together with his comptroller, fhall alfo, and is hereby directed and required, without fee or reward, to grant to fuch perfon or perfons, who fhall have fo paid the duties as aforefaid, a certificate or certificates that the duties for fuch tobacco have been fo paid, defcribing therein by whom fuch duties were paid, and the time when, and in what ſhip or veffel, or ſhips or veffels, the fame, and every part thereof, was refpectively imported, and

Certificate of payment of duties to be given without fee.

also the marks and numbers of the identical hogfhead or hogfheads, casks, chefts, or cafes, in which fuch tobacco fhall be contained, and defcribing alfo the name or names of the perfon or perfons to whom fuch tobacco fhall be fo fent, and the place or places of his or their abode refpectively, on pain of forfeiting the fum of one hundred pounds for every fuch offence; and the faid warehouse officer or officers is and are hereby directed and required to deliver all the tobacco for which the duties fhall have been fo paid, to the perfon or perfons fo producing fuch voucher or vouchers, and certificate or certificates as aforefaid; and the fame warehouse officer or officers is and are hereby directed and required to enter, in the books fo to be kept by him or them as aforefaid, the particulars of fuch voucher or vouchers, and certificate or certificates as aforefaid, fo as in fuch books clearly to fhew, and particularly describe, the difcharge of fuch refpective tobacco from his or their cuftody.

Warehouse keeper to deliver tobacco on certificate, and to enter the fame.

XXXI. And be it further enacted, That no tobacco unmanufactured fhall be removed, carried, or conveyed, by land or by water, from any port or place of importation as aforefaid, within *Great Britain*, to any other port or place whatfoever, within *Great Britain*, or fhall be removed from any one place within or without fuch port or place of importation, to any other place within or without the fame port or place, without a certificate from the collector, or other chief officer of the cuftoms, and the comptroller as aforefaid, and in the original package in which it was imported, preferving the fame marks and numbers, under the penalty of the forfeiture of all fuch tobacco as fhall be fo carried or removed without fuch certificate, and the package containing the fame as aforefaid, and alfo the horfes and cattle, and carts, waggons, and other carriages whatfoever, employed or any way made ufe of in the removing, carriage, or conveyance of the fame.

No unmanufactured tobacco to be removed from place to place without certificate, and in the original packages.

Penalty.

XXXII. And be it further enacted, That before any unmanufactured tobacco fhall be removed, carried or conveyed, by land or by water, as aforefaid, the proprietor, factor, or agent thereof fhall describe and infert, on the back of fuch certificate, in a fair and legible manner, the names of each particular package in which fuch tobacco is contained, together with the particular marks and numbers fet on each package, and alfo the true and exact weight of the tobacco contained in each particular package, and the place from whence the fame is to be delivered, and to which the fame is to be carried and conveyed, and by whom, and the name of the perfon to whom, the tobacco is configned; and fuch proprietor, factor, or agent, fhall fubfcribe his, her, or their name or names, and make oath to the truth thereof; and the certificate fo granted, if going by land, fhall exprefs the number of days it fhall continue in force, and fhall accompany the tobacco to fuch place to which the fame is to be carried and conveyed; and upon its coming to fuch place, the perfon or perfons receiving the fame, or to whom the tobacco

Regulations for removal of tobacco from place to place.

bacco belongs, shall cause fuch certificate to be delivered to the chief officer of the customs, if any fuch there be; and in cafe there be no officer of the customs, then to the officer of excife of the divifion whereunto fuch goods are carried and conveyed; and fuch officer is hereby directed to examine the fame with the goods, and if they agree therewith, the tobacco may be taken away and difpofed of by the perfon or perfons to whom of right they belong or appertain, and fuch officer is thereupon to enter fuch certificate diftinctly in a book by him to be kept for that purpofe; and the officer of the customs or excife receiving fuch certificate fhall from time to time tranfmit the fame to the officer now appointed, or the officer or officers hereafter to be appointed, by the high treafurer, or commissioners of the treasury, for keeping fuch accounts.

Regulations to be obferved when any imported tobacco is intended to be manufactured.

XXXIII. And be it further enacted, That all and every perfon and perfons who fhall import any tobacco into *Great Britain*, from any of his Majesty's colonies, plantations, iflands, or territories in *America*, or from the United States of *America*, and who fhall in anywife manufacture the fame, or any part thereof, upon his, her, or their own account or accounts, or caufe or procure the fame, or any part thereof, to be manufactured for his, her, or their own account or accounts, by any other perfon or perfons, fhall (before the fame, or any part thereof, be manufactured by the importer or importers, or by any other perfon or perfons employed by the importer or importers, to be manufactured for the account of fuch importer or importers) deliver, and they are hereby directed and required to deliver, to the collector or other chief officer of the customs at the place or port where fuch tobacco was imported, an account in writing, containing the plantation or manifef mark and number of every hogfhead, cask, cheft, or cafe of tobacco intended to be manufactured, with the name of the fhip or fhips in which the fame was or were imported, and the time when, and alfo the landing mark and number fet on each hogfhead, cask, cheft, or cafe, at the time of their importation into *Great Britain*, and alfo the exact weight of the tobacco contained in each and every fuch hogfhead, cask, cheft, or cafe, at the time of their being firft landed in *Great Britain*, and the exact weight the fame were, at the time of the delivery thereof to be manufactured; which account fhall be figned by fuch importer or importers, or one of his, her, or their known fervants or agents, and alfo by fuch perfon or perfons to whom fuch tobacco is delivered to be manufactured, or one of his, her, or their known fervants or agents, with their feveral and refpective names and places of abode; and fuch importer and importers fhall, at the time of their delivering in fuch accounts as aforefaid, write off from the entries made at the time and times the tobacco contained in fuch account was imported, and againft each and every particular fhip in which the fame was imported, the weight of each particular hogfhead, cask, cheft, or cafe, contained in fuch account, of tobacco intended to be manufactured

as

as aforefaid, in the very fame manner and form as if the faid tobacco had been delivered for exportation; and in cafe any importer or importers of tobacco fhall neglect to give in fuch account as aforefaid, at the time, and in fuch manner and form, in all refpects, to all intents and purpofes, as is herein-before directed and required, or in cafe fuch account fhall, at the time the fame is given in, or at any time afterwards, appear to be falfe and fraudulent in any refpect whatfoever, he, ſhe, or they, knowingly offending in any or either of the cafes aforefaid, fhall forfeit and lofe the fum of thirty pounds for every hogſhead, caſk, cheſt, or caſe of tobacco, an account of which is omitted to be given as before directed, or of which a wrong account fhall knowingly be given; and the perſon or perſons to whom fuch tobacco fhall have been delivered to be manufactured, neglecting by him, her, or themſelves, or by his, her, or their known ſervant or agent, to ſign fuch account as aforefaid, or knowingly ſigning any fraudulent account, fhall alſo forfeit and lofe the fum of thirty pounds for every fuch hogſhead, or other package of tobacco, of which no account, or for which a fraudulent account, is knowingly given.

Penalties on neglect of giving in an account of the quantity, etc. to be manufactured, or a fraudulent account thereof.

XXXIV. And be it further enacted, That all and every perſon and perſons who fhall import any tobacco into *Great Britain*, from any of his Majeſty's colonies, plantations, iſlands, or territories in *America*, or in the United States of *America*, who fhall ſell the fame, or any part thereof, to any perſon or perſons whatſoever, fhall, within three days after the delivery thereof out of his cuſtody to the purchaſer or purchaſers thereof, or their order, give and deliver to the collector, or other chief officer of the cuſtoms, at the port or place where fuch tobacco was imported, an account in writing, containing the plantation or manifeſt mark and number of every hogſhead, caſk, cheſt, or caſe of tobacco, ſo ſold or delivered, with the name of the ſhip or ſhips in which the fame was imported, and the times when, and alſo the landing mark and number ſet on each hogſhead, caſk, cheſt, or caſe, at the time of their importation into *Great Britain*, and alſo the exact weight thereof at the time of their ſale or delivery to the purchaſer or purchaſers thereof, which account fhall be ſigned by fuch importer, or one of his, her, or their known ſervants or agents, and alſo by fuch perſon or perſons to whom fuch tobacco is ſold or delivered, or one of his, her, or their known ſervants or agents with their ſeveral and reſpective names and places of abode; and fuch importer and importers fhall, at the time of their delivering in fuch accounts as aforefaid, write off from the entries made at the time and times the tobacco contained in fuch account was imported, and againſt each and every particular ſhip in which the fame was imported, the weight of each particular hogſhead, caſk, cheſt, or caſe of tobacco contained in fuch account, in the ſame manner and form as if the ſaid tobacco had been delivered for exportation; and in cafe any importer or importers of tobacco fhall neglect to give in fuch account as aforefaid, at the time,

When an importer ſells tobacco, the ſame regulations with reſpect to delivery of accounts thereof to be obſerved as on exportation, under the ſame penalties.

and in fuch manner and form, in all refpects, to all intents and purpofes, as herein-before directed and required, or in cafe fuch account fhall, at the time the fame is given in, or at any time afterwards, appear to be falfe or fraudulent, in any refpect whatfoever, he, ſhe, or they, knowingly offending in any or either of the cafes aforeſaid, ſhall forfeit and loſe the ſum of thirty pounds for every hogſhead or other package of tobacco, an account of which is omitted to be given as before directed, or of which a wrong account ſhall be knowingly given; and the perſon or perſons to whom or to whoſe order ſuch tobacco ſhall have been fold or delivered, neglecting, by him, her, or themſelves, or his, her, or their known ſervant or agent, to ſign ſuch account as aforeſaid, or knowingly ſigning any fraudulent account, ſhall alſo forfeit and loſe the ſum of thirty pounds for every ſuch hogſhead, caſk, cheſt, or caſe of tobacco, of which no account, or for which a fraudulent account, is knowingly given.

Second pur-
chaſer of un-
manufactured
tobacco in
hogſheads en-
titled to the
ſame certi-
ficates on re-
moval as the
firſt purchaſer.

XXXV. And be it further enacted, That the ſecond pur-
chaſer of any entire hogſhead of unmanufactured tobacco ſhall
and may be entitled to the benefit of a certificate on the re-
moval of any ſuch tobacco, or of any ſtalks ſhipped, or any
ſnuff or manufactured tobacco made therefrom, by land or by
water, in like manner as certificates by this act are directed to
be granted to the firſt purchaſer from the importer; and that
in all ſuch certificates, ſo to be granted to ſuch ſecond purchaſer
of any entire hogſhead or hogſheads of ſuch tobacco, the name
of the importer or importers, ſeller or ſellers thereof, may be
omitted; provided that the ſeller to ſuch ſecond purchaſer ſhall
have delivered to the collector or other chief officer of the port
where ſuch tobacco ſhall have been imported, ſuch and the like
account as the importer or importers thereof are by this act re-
quired to give.

Manufactured
tobacco above
fix pounds
weight, re-
moved with-
out certificate
of the duties
having been
paid, is for-
feited.

XXXVI. And be it further enacted, That no manufactured
tobacco, or tobacco ſtalks, exceeding fix pounds weight, or
ſnuff, exceeding fix pounds weight, ſhall, in any form or man-
ner whatſoever, be removed, carried, or conveyed, by land, or
by water, from any port or place whatſoever in *Great Britain*,
to any other port or place in *Great Britain*, or from any place
whatſoever within the ſame port or place, to any other place
within the ſame, unleſs in the manner herein-after mentioned;
(that is to ſay), if it be tobacco ſtalks, or ſnuff, or other ma-
nufactured tobacco, which is to be carried by land or by water
as aforeſaid, the ſame ſhall not be removed, carried, or con-
veyed, without a certificate or certificates, and oath of the im-
porter (in cafe the importer applies for the ſame) being firſt had
and obtained as aforeſaid, that ſuch ſtalks were ſtripped or ſe-
parated from, or ſuch ſnuff or other manufactured tobacco was
made from, one or more hogſhead or hogſheads of tobacco for
which the duties were by him paid; and in cafe the perſon ap-
plying for ſuch certificate or certificates be a purchaſer, ſuch
purchaſer ſhall make oath that ſuch ſtalks were ſtripped or ſe-
parated,

rated, or fuch snuff, or other manufactured tobacco, was made, from one or more hogthead or hogheads of tobacco which had been delivered and received according to the directions of this act (which laid feveral certificates fuch officer and officers are hereby required and directed to grant, and, after writing the fame off their books, to deliver to all and every perfon or perfons who fhall apply to him or them for the fame, without any fee or reward whatfoever for fuch certificates or oaths, on pain of forfeiting the fum of ten pounds for every fuch offence) upon forfeiture of all fuch tobacco, tobacco ftalks, and snuff, together with the cask and package containing the fame.

XXXVII. And be it further enacted, That before any fuch tobacco, tobacco ftalks, or snuff, for which fuch refpective certificate is fo refpectively granted, fhall be removed or carried, by land or by water, as aforefaid, the proprietor, factor, or agent thereof, fhall describe and infert, on the back of fuch certificate or certificates, in a fair and legible manner, the names of each particular package in which fuch goods are contained, together with the particular marks and numbers fet on each package, and alfo the true and exact weight of each particular fpecies of goods contained in each particular package, and the place from whence the fame are to be delivered, and to which they are to be carried and conveyed, and by whom, and the name of the perfon to whom the goods are configned; and fuch proprietor, factor, or agent, fhall fubfcribe his, her, or their name or names, and make oath to the truth thereof; and the certificate or certificates fo granted, if going by land, fhall exprefs the number of days they fhall refpectively continue in force, and fhall accompany the goods to fuch place to which they are to be carried and conveyed; and upon its coming to fuch place, the perfon or perfons receiving the fame, or to whom the goods belong, fhall caufe fuch certificate or certificates to be delivered to the chief officer of the customs, if any fuch there be, and in cafe there be no officer of the customs, then to the officer of the excife of the divifion within which fuch goods are carried and conveyed; and fuch refpective officer is hereby directed to examine the fame with the goods, and if they agree therewith, the goods may be taken away, and difpofed of, by the perfon or perfons to whom of right they belong or appertain, and fuch officer is thereupon to enter fuch certificate or certificates diftinctly, in a book to be kept by him for that purpofe; and the officer of the customs or excife receiving fuch certificate or certificates fhall, from time to time, tranfmit the fame to the officer now appointed, or the officer or officers hereafter to be appointed, by the high treafurer, or commiffioners of the treafury, for keeping fuch accounts.

XXXVIII. And be it further enacted, That no unmanufactured tobacco, or manufactured tobacco, tobacco ftalks, or snuff, which fhall have been removed, carried, or conveyed, either by land or by water, from any port or place in *Great Britain* to any other port or place whatfoever in *Great Britain*,

Before tobacco is removed, the weight, etc. of each package is to be written on the back of the certificate, and figned by the proprietor.

Certificate to exprefs the number of days it is to continue in force, and to be delivered to the officer of the customs on the arrival of the goods at their intended place, etc.

No tobacco fhall be again removed without certificate of its having been

or

legally received at the former place of removal.

or which ſhall have been removed, carried, or conveyed from any one place within any one port or place, to any other place within the ſame port or place, ſhall be afterwards removed, carried, or conveyed, either by land or by water, to any other port or place whatſoever within *Great Britain*, without a certificate or certificates being firſt had and obtained from the collector and comptroller, or other chief officer or officers of the cuſtoms, at the port or place from whence ſuch goods are intended to be removed, but if there is not any officer of the cuſtoms reſident at ſuch place, then from the officer of exciſe for the diſiſion with whom the former certificate or certificates was or were entered, that it appears to them, by the entries of the certificate or certificates in their books, upon the former removal, that ſuch tobacco, tobacco ſtalks, or ſnuff, had been received by legal certificate, and alſo that the perſon or perſons who ſhall apply to him or them for ſuch certificate or certificates, had made oath to the truth thereof; and, before ſuch certificate or certificates ſhall be granted, the proprietor of ſuch tobacco, or the factor or agent applying for the ſame, ſhall deſcribe and inſert, on the back of ſuch certificate or certificates reſpectively, in a fair and legible manner, the names of each particular package in which ſuch goods are contained, together with the particular marks and numbers ſet on each package, and alſo the true and exact weight of tobacco contained in each particular package, and the place from whence the ſame are to be delivered, and to which, and by what carriage, they are to be carried and conveyed, and by whom, and the name of the perſon or perſons to whom, the goods are conſigned, to which ſuch proprietor, factor, or agent, ſhall ſubſcribe his, her, or their name or names, and make oath to the truth thereof; which ſeveral and reſpective oaths herein before directed, the collector or comptroller, or other principal officer of the cuſtoms, or the officer of exciſe, granting ſuch reſpective certificate or certificates, is and are hereby authorized and impowered to adminiſter; and the certificate or certificates ſo reſpectively granted, if going by land, ſhall expreſs the number of days it or they ſhall continue in force; and the officer or officers granting ſuch certificate or certificates, after writing the ſame off their books, in a book to be kept by him or them for that purpoſe, are hereby directed to deliver ſuch certificate or certificates to the perſon or perſons who ſhall apply to them for the ſame, without any fee or reward whatſoever for ſuch certificate or certificates, or for adminiſtering the oaths hereby required, on pain of forfeiting twenty pounds for every ſuch offence, and to tranſmit a duplicate of ſuch certificate or certificates to the ſaid officer now appointed, or the officer or officers hereafter to be appointed by the high treaſurer, or commiſſioners of the treaſury, for keeping ſuch accounts; and the ſaid certificate or certificates ſo granted, ſhall accompany ſuch tobacco to the place where, and be delivered to the perſons to whom, ſuch tobacco ſhall be conſigned, who, upon receiving the ſame, ſhall cauſe ſuch certificate or certificates to be delivered to the chief officer

Perſons applying for certificates to deſcribe on the back, and make oath of the truth thereof, the particulars, and weight, &c.

Certificate to expreſs the number of days it is to continue in force, and to be delivered without fee, &c.

Certificates to be delivered to the proper officer on the arrival of the goods at their intended place, &c.

of the cuſtoms, if any ſuch there be, and in caſe there be no officer of the cuſtoms, then to the officer of exciſe of the diviſion within which ſuch goods are carried and conveyed; and ſuch officer is hereby directed to examine the ſame with the goods, and if they agree therewith the goods may be taken away and diſpoſed of by the perſon or perſons to whom of right they belong; and which officer is thereupon to enter ſuch certificate or certificates diſtinctly, in a book to be kept by him for that purpoſe, and tranſmit the original certificate or certificates to the ſaid officer now appointed, or to the officer or officers hereafter to be appointed, by the high treaſurer, or commiſſioners of the treaſury, for keeping ſuch accounts.

XXXIX. And be it further enacted, That if any tobacco or tobacco ſtalks, exceeding ſix pounds weight, or any ſnuff, exceeding ſix pounds weight, ſhall be found removing, either by land or by water, without having one or other of the certificates herein before directed, all ſuch tobacco, tobacco ſtalks, and ſnuff, and the caſks, cheſts, caſes, or other package containing the ſame, together with the horſes, cattle, carts, waggons, and all other carriages whatſoever, employed or in anywiſe made uſe of in the removing, carriage, or conveyance of ſuch tobacco, tobacco ſtalks, or ſnuff, or any or either of them, ſhall be forfeited and loſt, and the carrier or other perſon employed or intruſted in the removing, carrying, or conveying ſuch goods, or any or either of them, ſhall, beſides the loſs of the cattle and carriages, be committed to the county gaol for the ſpace of one month, by any juſtice of the peace for the county where the offence is committed, or the offender ſhall be found; and if any perſon or perſons whatſoever ſhall counterfeit, erawe, or in anywiſe alter any ſuch certificate or certificates, or duplicate or duplicates, as herein-before is mentioned and deſcribed, or ſhall cauſe or procure the ſame, or any or either of them, to be counterfeited, forged, erawe, or altered, in any reſpect, he, ſhe, or they, ſo offending, ſhall forfeit and pay the ſum of one hundred pounds for every ſuch offence.

Penalties on removing tobacco above ſix pounds weight without certificate, and on counterfeiting or altering certificates.

XL. And be it further enacted, That no tobacco nor tobacco ſtalks, exceeding the quantity of ſix pounds weight, nor ſnuff, exceeding ſix pounds weight, ſhall be conveyed or carried, by land or by water, from any port or place in *Great Britain* to any other port or place in *Great Britain*, or from any place within any port in *Great Britain* to any other place within the ſame port, in any hogſhead, caſk, cheſt, caſe, or other package, unleſs ſuch hogſhead, caſk, cheſt, caſe, or other package, be ſtamped or marked on the outſide with the reſpective words *Tobacco*, *Tobacco Stalks*, or *Snuff*, in large letters, not leſs than three inches in length, under the penalty and forfeiture of all ſuch tobacco, tobacco ſtalks, or ſnuff, with the package thereof, and one ſhilling for every pound weight thereof, to be paid by the owner of ſuch tobacco, tobacco ſtalks, or ſnuff, unleſs it can be proved that the goods ſo removing was without his, her, or their knowledge.

No tobacco, &c. above ſix pounds weight, to be removed without being marked on the package.

XLI. And

No manufac-
tured tobac-
co, &c. above
fix pounds
weight, tho'
in different
packages,
shall be re-
moved at one
time to the
fame person,
or different
persons in
partnership,
without cer-
tificate.

XLI. And be it further enacted, That no manufactured tobacco, tobacco stalks; or snuff, exceeding the quantity of six pounds weight in the whole, although in different packages, shall be removed, carried, or conveyed, either by land or by water, at one and the same time, by one and the same carriage or conveyance, and directed to one and the same person, or to different persons in one and the same partnership in trade, without a certificate, as is herein-before directed, being first had and obtained from the collector and comptroller, or other chief officer or officers of the customs, or the officer of excise (if there be not any officer of the customs there) of the port or place from whence such tobacco, tobacco stalks, or snuff, shall be so removed, and to accompany the same to the port or place to which the same is to be carried or conveyed, upon forfeiture thereof.

No tobacco
which has
been once re-
moved shall
be returned
back again to
the same place
without leave
from the com-
missioners of
the customs.

XLII. And be it further enacted, That no unmanufactured tobacco, manufactured tobacco, tobacco stalks, or snuff, which shall have been removed from the port or place of importation in *Great Britain*, or from any other port or place in *Great Britain*, to any other port or place in *Great Britain*, shall be again returned or sent back to such port or place from whence the same was or were before removed or sent, upon any pretence whatsoever, without leave being first had and obtained for that purpose from the commissioners of his Majesty's customs in *England*, or any four or more of them for the time being, or the commissioners of his Majesty's customs, or any three or more of them for the time being, in *Scotland*, and for which a special certificate shall be granted to accompany the same, in such manner and form as the said commissioners respectively shall think proper, upon forfeiture thereof, together with the horses, cattle, carriages, and boats made use of in the removing, carriage, or conveyance of the same.

Tobacco con-
veying to and
from snuff
mills without
a certificate
to be forfeit-
ed, and the
owner and
remover
thereof liable
to penalties.

XLIII. And be it further enacted, That where any tobacco is intended to be carried or conveyed from the port or place of importation, or other place, to the mills of any manufacturer of tobacco, for the purpose of grinding the same into snuff, the said commissioners of his Majesty's customs in *England*, or any four or more of them, or the commissioners of his Majesty's customs, or any three or more of them, in *Scotland*, for the time being, respectively, are hereby authorized and required to direct proper sufferances or certificates to be granted to accompany such tobacco to such mills, in order to be manufactured, and after it has been so manufactured, other such like sufferances or certificates, to accompany the same from such mills to the house of such manufacturer, from whence the same had been so sent, for the purpose of being so manufactured; and if any tobacco or snuff manufactured therefrom shall be found removing as aforesaid, without such sufferance or certificate as aforesaid, the same shall be forfeited, together with the horses, cattle, and carriages, made use of in the removing, carriage, or conveyance of the same, and the person or persons to whom
such

such tobacco, or snuff manufactured therefrom, shall belong, shall forfeit and lose twenty shillings for every pound weight of tobacco or snuff, and the person employed in the removal, carriage, or conveyance of the same, shall also forfeit and lose the sum of five shillings for every pound weight of such tobacco or snuff; unless it can be proved that the tobacco or snuff so removing was without his, her, or their knowledge.

XLIV. And be it further enacted, That the bond or bonds so given as aforesaid, for securing the duties upon any quantity of tobacco so imported or brought into *Great Britain* as aforesaid, shall be discharged and cancelled by the debenture or debentures respectively made out and passed in the usual way, for the net quantity or quantities of tobacco, taken at the weighing thereof as aforesaid for exportation, and upon the delivery of such tobacco for home trade as aforesaid; and when the whole of the tobacco to which such respective bond or bonds shall apply and respectively refer shall appear to have been so exported and delivered for home trade as aforesaid, and it shall also appear that there is a difference between the weights of such tobacco, taken as aforesaid at the importation, and the weights taken at the delivery thereof as aforesaid, for home trade and for exportation, jointly or severally, by a decrease in weight, arising from shrinkage by lying in the warehouse, it shall and may be lawful for the officer or officers of the customs for the respective warehouse or warehouses from which such tobacco shall have been so delivered as aforesaid to certify the same, and he or they is and are hereby directed and required to grant the same, and such certificate shall go in discharge of such bond or bonds so given as aforesaid.

XLV. And be it further enacted, That at or before the shipping for exportation of any manufactured tobacco, the exporter or exporters, with one or more person or persons, of which the master, or other person having the charge or command of the ship or vessel in which such tobacco is intended to be exported, shall be one, shall give security to the customer, collector, or chief officer of the customs of the port where the warehouse or warehouses out of which such tobacco is to be exported is or are situate, in the penalty of double the value of the said tobacco, (which security the said customer, collector, or other chief officer, is hereby directed and impowered to take in the name of, and for the use of his Majesty, his heirs and successors), that such tobacco so shipped, or any part thereof, shall not be re-landed or brought on shore again in any port or place of *Great Britain*, or the *Isle of Man*; and such security shall be discharged in the manner herein-after mentioned; (that is to say), For such of the said goods as shall be entered for, or landed in the kingdom of *Ireland*, the islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, the condition of the bond shall be, to bring in a certificate in discharge thereof within six months from the date of the bond; and within eighteen months for such of the said goods as shall be entered for and landed in any of his

Decrease of weight of tobacco from lying in warehouses, to be allowed in the discharge of bonds.

Security to be given that manufactured tobacco shipped for exportation shall not be re-landed in *Great Britain* or the *Isle of Man*.

Regulations for discharging such security.

his Majesty's colonies, plantations, islands, or territories in *America* or *Africa*; and within thirty months for such of the said goods as shall be entered for, and landed in any port or place at or beyond the *Cape of Good Hope*; which said certificate for such tobacco as aforesaid as shall be landed in any part or place where any officer or officers of his Majesty's customs shall be resident, shall be signed by the proper officer or officers of his Majesty's customs there, importing that such tobacco was there landed, testifying the landing thereof; and for such tobacco as aforesaid as shall be entered for the islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, shall be signed by the proper officer or officers of his Majesty's customs, if any such officer or officers shall be residing in these islands respectively, and for want of such officers residing there, then by the governor of these islands, or the deputy governor thereof respectively; and for such tobacco as aforesaid as shall be entered for any other foreign port or place, to bring a certificate under a common seal of the chief magistrate of such port or place, or under the hands and seals of two known *British* merchants, then being at such port or place, that such tobacco was there landed; or such bond or bonds shall be discharged, upon proof, in any or either of the said cases, that such goods were taken by enemies, or perished in the sea, the examination and proof thereof being left to the judgement of the commissioners of the customs in *England* or *Scotland* for the time being, respectively: provided always, That in case any tobacco so put into the said warehouse or warehouses as aforesaid shall be burnt or destroyed by fire, during the time it shall remain in such warehouse or warehouses, the respective bond or bonds which shall have been given for security of the duties thereon, shall be discharged for so much tobacco as shall have been so burnt or destroyed.

Tobacco destroyed by fire in a warehouse, to be allowed in discharge of bonds.

Documents required by this act, and 24 Geo. 2. c. 41. relative to importation of tobacco, to be transmitted to such person as shall be appointed by the treasury, who is to conform to the regulations of former act.

XLVI. And be it further enacted, That one of the books of the landing waiters so appointed to the delivery of every ship or vessel so importing tobacco as aforesaid, under this act, and every other document and documents in relation to tobacco so imported, as is now required by an act passed in the twenty-fourth year of the reign of his late majesty King *George* the Second, intituled, *An act for the more effectual securing the duties upon tobacco*, to be transmitted or delivered to such person as should be deputed and appointed by the high treasurer, or commissioners of the treasury for the time being, to receive the same, (on the importation of tobacco imported under the regulation of that act), shall, and are hereby directed to be transmitted or delivered to such person who now is deputed and appointed for the purpose of that act, or such other person or persons as shall hereafter be appointed to execute such office; and such person so deputed, or such person or persons so to be deputed and appointed as aforesaid, shall do and perform every act and thing, in every respect whatsoever, in regard to any tobacco so imported into *Great Britain* as aforesaid under this present act, as was done and performed by such person under the authority of the said

said act so passed in the twenty-fourth year of the reign of his late majesty King *George* the Second, intituled as aforesaid; and further, such said person so deputed and appointed, or such person or persons to be so deputed and appointed as aforesaid, by the high treasurer, or commissioners of the treasury for the time being, shall be furnished with all and every document and documents from all and every proper officer and officers of the customs who shall be possessed of the same, to enable such person or persons to be a competent cheque upon the tobacco so imported as aforesaid being delivered for exportation out of any of the respective warehouses aforesaid, or delivered for home trade as aforesaid, out of such respective warehouses.

XLVII. And be it further enacted, That no tobacco, either manufactured or unmanufactured, shall be entered or shipped for exportation to any parts beyond the seas (*Ireland* only excepted) in any ship or vessel whatsoever, unless such ship or vessel shall be of the burthen of seventy tons, or upwards; and if any officer or officers of the customs shall apprehend, or have reason to believe, that any such ship or vessel bound to foreign parts, and having tobacco on board her, shall not be of the burthen of seventy tons, or upwards, it shall and may be lawful for such officer or officers to stop and detain such ship or vessel, and the whole cargo laden on board her of tobacco, and all other goods, until he or they shall cause such ship or vessel to be admeasured according to the admeasurement prescribed by an act passed in the thirteenth year of the reign of his present Majesty, intituled, *An act for the better ascertaining the tonnage and burthen of ships and vessels importing and exporting goods into and from this kingdom, or hovering upon the coasts thereof; for amending so much of an act, made in the last session of parliament, for lowering the duty payable upon the importation of oak bark, as relates to the suing for the penalties and forfeitures thereby inflicted in the court of exchequer in Scotland; for appropriating the duty on oak bark, granted by the said act; and for obviating doubts which have arisen with respect to the allowing the drawback upon certain calicoes; and the bounty upon British-made cordage exported to the islands of Madeira, the Canary Islands, and the Azores or Western Islands; and if it shall appear by such admeasurement that any such ship or vessel is of the burthen of seventy tons, or upwards, the officer or officers so stopping and detaining her and her cargo shall not be subject or liable to any action for damages occasioned by such stoppage and detention; and if the master or commander of any ship or vessel outward bound to foreign parts, having tobacco on board her, shall enter and clear out such ship or vessel in the collector's book at the custom-house, as of the burthen of seventy tons, or upwards, and such ship or vessel shall not be of so great burthen, according to the admeasurement prescribed by the said act, he shall forfeit and lose the sum of one hundred pounds for every such offence.*

Officers suspecting tobacco to be shipped for exportation (to Ireland excepted) in vessels of less burthen than 70 tons, may detain them till they are admeasured, agreeably to 13 Geo. 3. c. 74.

Penalty on entering vessels of greater burthen than they are.

XLVIII. And be it further enacted, That where any ship or vessel whatsoever, under the burthen of seventy tons, coming Tobacco of more than 100 pounds or

weight on board any vessel under 70 tons, found hovering or at anchor within certain limits, to be forfeited.

Masters of vessels found hovering or at anchor in certain limits forfeit rool.

Bonds deemed to be due on the day mentioned in their conditions, and interest to be paid agreeable to 4 Anne, c. 6.

or arriving from foreign parts, or having cleared outwards in *Great Britain* for foreign parts, and having on board one hundred pounds weight of tobacco, or any tobacco stalks or stems stripped from the leaf, shall be found at anchor, or hovering within the limits of any of the ports of this kingdom, or within four leagues of the coasts thereof, or shall be discovered to have been within the said limits or distance, and not proceeding on her voyage, wind and weather permitting (unless in case of unavoidable necessity and distress of weather, of which necessity and distress the master, or other person having or taking the charge or command of such ship or vessel, shall give notice, and make proof before the collector, or other chief officer of the customs, of any port within the limits of which such ship or vessel shall be found, immediately after the arrival of such ship or vessel within the limits of such port) all such tobacco and tobacco stalks, or stems stripped from the leaf, together with the hogheads, bags, boxes, casks, chests, cases, or other packages whatsoever containing the same, or the value thereof, shall be forfeited and lost (whether bulk shall then have been broken, or not) and the master, or other person having or taking the charge or command of every such ship or vessel, shall forfeit and lose the sum of one hundred pounds; and if any ship or vessel whatsoever, of the burthen of seventy tons or upwards, having such goods on board as aforesaid, either homeward bound or outward bound, shall be found at anchor, or hovering as aforesaid, or shall be discovered not to be proceeding on her voyage, wind and weather permitting, and not any distress shall happen as aforesaid, and notice thereof be given as aforesaid, the master, or other person having or taking the charge or command of every such ship or vessel, shall forfeit and lose the sum of one hundred pounds.

XLIX. And be it further enacted by the authority aforesaid, That all bonds which shall be given for the several and respective duties on tobacco by virtue and in pursuance of this act, shall be deemed and taken to be due and payable immediately upon the day mentioned in the condition of the said respective bond or bonds for the payment thereof; and that such interest shall be paid to the crown on all such bonds as are directed by an act of parliament, made in the fourth year of the reign of her late majesty *Queen Anne*, intituled, *An act for continuing an additional subsidy of tonnage and poundage, and certain duties upon coals, culm, and cinders, and additional duties of excise; and for settling and establishing a fund thereby, and by other ways and means, for payment of annuities, to be sold for raising a further supply to her Majesty, for the service of the year one thousand seven hundred and six, and other uses therein mentioned*; which interest shall be computed from the day the bond or bonds shall respectively become due, to the day whereon it or they shall be paid off in money, or the day the searcher certifies upon the debenture that the tobacco was shipped for exportation, notwithstanding such tobacco doth or shall remain unexported; and no such security shall

shall hereafter be vacated, until all such interest shall be paid thereon; any law, custom, or usage to the contrary notwithstanding.

L. And be it further enacted, That if any person or persons whatsoever shall, at any time or times hereafter, in order to defeat any of the purposes or intents of this act, erase, cut out, burn out, blot out, or in anywise whatsoever alter, change, or deface any mark or number, or marks or numbers, which was or were burnt in or set upon any hogshhead, cask, chest, or case whatsoever, of tobacco, in his said Majesty's colonies, plantations, islands, or territories in *America*, or in the United States of *America*, or which shall be set, stamped, or affixed thereon in *Great Britain* upon the importation or landing thereof, or which was or were set or stamped, or affixed thereon in *Great Britain*, upon the exportation thereof from thence to foreign parts, he, she, or they so offending shall forfeit and lose the sum of twenty pounds for each and every hogshhead, cask, chest, or case whatsoever, of tobacco, the mark whereof shall be so altered or defaced as aforesaid.

Penalty on erasing marks on packages.

LI. And be it further enacted, That the several and respective proprietors of the ships and vessels which shall be so respectively moored at the places aforesaid, shall so moor, or cause the same to be so moored, at their sole expence and risque; and they, and the proprietors of the cargoes on board such ships respectively, and not the crown, shall take the risque of, and bear every damage that may happen respectively to such ships and their cargoes, while they shall remain at such mooring places.

Proprietors to be at the expence and risque of mooring vessels.

LII. And be it further enacted, That the merchants, and not the crown, shall respectively bear all the charges and expences incurred in any way, by unshipping, bringing, carrying, or conveying any tobacco as aforesaid from the several and respective ships so importing the same, to the several and respective places of lading, and from thence to the respective warehouses as aforesaid, in which the same tobacco is to be so deposited as aforesaid, or in the bringing, carrying, or conveying the tobacco from such respective warehouses to and on board the several and respective ships, in which the same is or are to be respectively exported to foreign parts, save and except the charges and expences of paying the revenue officers, under whose especial care the said tobacco shall be so respectively conveyed, either from the ship to the warehouse, on importation, or from the warehouse to the ship, when for exportation; any law, custom, or usage, to the contrary notwithstanding.

All expences of unshipping and of conveying to and from warehouses to be borne by the proprietors, except the expences of revenue officers.

LIII. And be it further enacted, That the respective proprietors of the tobacco, so to be brought as aforesaid to the respective warehouses before mentioned, shall be at the sole expence of stripping or taking the hogshheads in which the tobacco shall be so imported as aforesaid from the tobacco, before the same shall be so weighed as aforesaid.

Expences of stripping hogshheads from the tobacco to be borne by the proprietor.

If bonds are not duly discharged, the tobacco may be sold for payment.

LIV. And be it further enacted, That if the importer or importers, proprietor or proprietors, consignee or consignees, of such tobacco as shall be deposited in such warehouses as aforesaid, and for which bond or bonds shall have been given for the payment of the duties as aforesaid within eighteen months, shall not, at or before the expiration of such eighteen months, forthwith, either by debenture or debentures on exportation of such tobacco, or by payment of the several duties for which his or their bond or bonds hath or have been respectively given as aforesaid, discharge his or their obligation or obligations, or any part thereof, but that the tobacco, or any part thereof, shall continue and be still remaining in the said warehouses for want of the payment of the duties due thereon, in such case it shall be lawful for the said commissioners, or principal officers of the customs for the time being, and who are hereby required and empowered so to do, to cause the said tobacco so remaining to be publickly sold by inch of candle, first giving the proprietor or proprietors fourteen days notice, or leaving the same in writing at the place of his or their last abode; the product thereof, after such sale, first to be applied towards payment of the customs and duties, and charges that have been expended thereon, and the overplus (if any) to be rendered and paid to the proprietor, or other person lawfully authorised to receive the same.

Penalties and forfeitures how to be recovered and applied.

LV. And be it further enacted, That all the goods, vessels, boats, horses, cattle, carts, waggons, and other carriages and things forfeited by this act, shall and may be seized and prosecuted by any officer or officers of his Majesty's customs, and that all the penalties and fines inflicted by this act shall and may be prosecuted and sued for, and the causes and controversies tried, heard, and determined in any of his Majesty's courts of record at *Westminster* (if the offence shall be committed in *England*, or if the offender or offenders be in *England* at the time of commencing the prosecution), or in the court of exchequer at *Edinburgh* (if the offence shall be committed in *Scotland*, or if the offender or offenders be in *Scotland* at the time of commencing the prosecution), at the election of the commissioners of his Majesty's customs in that part of the united kingdom where the offence or offences shall be committed, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; and such penalties, or the sums recovered, shall be paid and applied in the following manner; (that is to say,) if such prosecution shall be carried on at the expence of the officer, then one moiety of whatever penalty shall be recovered, either upon a judgement obtained on such prosecution, or upon a composition made thereon, shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer; if such prosecution shall be carried on under the regulation made by the lords commissioners of his Majesty's treasury, by their warrant, dated the twenty-seventh day of *July*, one thousand seven hundred and thirty-six, then such officer shall be entitled

to and paid one third of fuch penalty or compofition; and if fuch profecution fhall be carried on at the expence of the crown, then fuch officer fhall be entitled to and paid one fixth of fuch penalty or compofition; any law, cuftom, or ufage, to the contrary notwithstanding.

LVI. And be it further enacted, That all feizures made, and forfeitures inflicted by this act, fhall and may in like manner be profecuted, tried, heard, and determined in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer at *Edinburgh*, refpectively; and one moiety of the net produce of fuch feizures and forfeitures, after deducting the charges of condemnation and fale from the whole, fhall be to the ufe of his Majesty, his heirs and fucceffors, and the other moiety to the officer or officers who fhall inform, profecute, or fue for the fame, provided the requisitions of an act made in the fifth year of the reign of his prefent Majesty, intituled, *An act for the better fecuring and further improvement of the revenues of customs, excife, inland and falt duties; and for encouraging the linen manufacture of the Ifle of Man; and for allowing the importation of feveral goods, the produce and manufacture of the faid ifland, under certain reftrictions and regulations*; be complied with by fuch officer or officers; but if the conditions of the faid recited act fhall not be complied with, then fuch officer and officers fhall, in each and every fuch cafe, in lieu and inftead of fuch moiety, be entitled to and allowed no more than one third part of the net produce arifing by the fale of fuch feizure: provided neverthelefs, That all feizures of horfes, cattle, carts, waggons, and other carriages whatfoever, for being ufed in the removing, carriage, or conveyance of any goods contrary to this act, fhall and may be examined into, proceeded upon, heard, adjudged, and determined by and before any two of his Majesty's juftices of the peace refiding near to the place where fuch feizure fhall be made, in fuch manner, and by fuch and the like rules, as the feizure of any horfes, cattle, or carriages, liable to forfeiture for being ufed in removing, carrying, or conveying of any prohibited or run goods, may be examined into and proceeded upon, heard, adjudged, and determined, by any juftice or juftices of the peace, by virtue of any act of parliament in force; and fuch judgement which fhall be given in purfuance of this act is hereby declared to be taken and adjudged good, valid, and effectual in law, and final, to all intents and purpofes whatfoever, and not liable to any appeal, or any writ or writs of *certiorari*, any law, ftatute, or ufage, to the contrary notwithstanding.

LVII. And be it further enacted, That all tobacco, tobacco ftalks, and fuff, which fhall be feized and condemned, fhall be burnt and deftroyed in the prefence of the collector and comp-roller of the customs for the port where fuch tobacco fhall happen to be at the time of fuch condemnation, or in the prefence of fuch officer as fhall be appointed by them for that purpofe; and that all rewards or allowances to which the officer or officers who fhall feize and profecute the fame are entitled by law, fhall

Where feizures and forfeitures are to be tried, and how to be applied.

Act 5 Geo. 3. c. 43.

Condemned tobacco, etc. fhall be burnt, and the officer who feized fhall be paid out of the incidents, at the rate of 6d. per pound of tobacco.

bacco or snuff, and 1d. per pound of tobacco stalks or damaged tobacco, shall be paid by the receivers general of the customs at *London* or *Edinburgh* respectively, or by the respective collectors in the outports where such tobacco, tobacco stalks, or snuff was seized, and burnt or destroyed, to such officer or officers, out of any of the duties or revenues arising from the customs applicable to incidents; (that is to say), If it is tobacco, or tobacco snuff, so burnt and destroyed, the same shall be paid at and after the rate and proportion as if the said tobacco, or tobacco snuff, had been sold on condemnation for sixpence per pound; and if it is tobacco stalks, or damaged tobacco, then the officer so seizing shall have and be entitled to one penny *per* pound for every pound weight of tobacco stalks, or damaged tobacco, so condemned and burnt, in lieu of all other allowances.

Defendants may plead the general issue.

LVIII. And be it further enacted, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance of, and by authority of this act: and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

and recover treble costs.

C A P. LXXXII.

An act to indemnify such persons as have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for those purposes; and to indemnify members and officers, in cities, corporations, and borough towns, whose admissions have been omitted to be stamped according to law, or, having been stamped, have been lost or mislaid; and for allowing them time to provide admissions duly stamped; to give further time to such persons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and solicitors; and for indemnifying persons who have acted as trustees of turnpike roads, in certain cases, and declaring their proceedings valid.

Persons who have omitted to qualify themselves agreeable to act 1 Geo. 1. sec. 2. c. 13. act 13 Car. 2. sec. 2. c. 1. act 25 Car. 2. c. 2. act 30 Car. 2. sec. 2. c. 1. act 8 Geo. 1. c. 6. act 9 Geo. 2. c. 26. act 18 Geo. 2. c. 20. and act 6 Geo. 3. c. 53. through ignorance of the law, absence, or some unavoidable accident before the passing of this act; and who shall, on or before Dec. 25, 1785, qualify themselves, shall be indemnified against forfeitures. But not to indemnify any person for any penalty incurred against whom final judgement hath been given. Nor to exempt justices acting without legal qualification. Persons producing appointments and admissions to offices before Dec. 25, 1785, shall be confirmed, and qualified to act as clerk, officer, or member of corporations, etc. may enjoy all offices into which they have been elected; and shall be indemnified from all penalties and damages incurred by reason

of omissions. Not to extend to restore persons to any office avoided by judgement. Persons who shall cause affidavits of clerks articles to be filed before Michaelmas term, 1785, are indemnified and discharged from penalties. Trustees for repair of turnpike roads not duly appointed, indemnified for acting. Persons prosecuted, and hereby meant to be indemnified, may plead the general issue.

C A P. LXXXIII.

An act for further postponing the payment of the sum of two millions, advanced by the governor and company of the bank of England, towards the supply for the service of the year one thousand seven hundred and eighty-one, to the 5th of January 1787.

C A P. LXXXIV.

An act to limit the duration of polls and scrutinies, and for making other regulations touching the election of members to serve in parliament for places within England and Wales, and for Berwick upon Tweed; and also for removing difficulties which may arise for want of returns being made of members to serve in parliament.

FOR the better regulation of polls and scrutinies, be it enacted **Preamble.**
by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from after the first day of *August*, one thousand seven hundred and eighty-five, every poll which shall be demanded at any election for a member or members to serve in parliament for any county, city, borough, or other place, within *England, Wales*, or for the town of *Berwick upon Tweed*, shall commence on the day upon which the same shall be demanded, or upon the next day at furthest, (unless it shall happen to be a *Sunday*, and then on the day after;) and shall be duly and regularly proceeded in from day to day (*Sundays* excepted) until the same be finished, but so as that no poll for the election of any member or members to serve in parliament, shall continue more than fifteen days at most (*Sundays* excepted;) and if such poll shall continue until the fifteenth day, then the same shall be finally closed at or before the hour of three in the afternoon of the same day; and the returning officer or officers at every such election shall, immediately, or on the day next after the final close of the poll, truly, fairly, and publicly declare the name or names of the person or persons who have the majority of votes on such poll, and shall forthwith make a return of such person or persons, unless the returning officer or officers, upon a scrutiny being demanded by any candidate, or any two or more electors, shall deem it necessary to grant the same; in which case, it shall and may be lawful for him so to do, and to proceed thereupon, but so as that in all cases of a general election, every returning officer or officers having the return of a writ, shall cause a return of a member or members to be filed in the crown office on or before the day on which

From Aug. 1, 1785. every poll must commence, at the latest, the day after it is demanded, unless it be Sunday, and must not continue more than 15 days.

Return to be made at the close of the poll, or the day after, unless a scrutiny is demanded.

Regulations for making returns in case of a scrutiny.

which such writ is returnable; and every other returning officer or officers, acting under a precept or mandate, shall make a return of a member or members, in obedience to such precept or mandate, at least six days before the day of the return of the writ by virtue of which such election has been made; and so that in case of any election, upon a writ issued during a session or prorogation of parliament, and a scrutiny being granted as aforesaid, then, that a return of a member or members shall be made within thirty days after the close of the poll, (or sooner, if the same can conveniently be done.)

Objections to voters to be decided alternately.

II. And be it enacted, That whenever a scrutiny shall be granted as aforesaid, and there shall be more parties than one objecting to votes on such scrutiny, the returning officer or returning officers shall decide alternately or by turns on the votes given for the different candidates who shall be parties to such scrutiny, or against whom the same shall be carried on.

Poll to be kept open seven hours daily.

III. And, in order that electors may have full time and opportunity to poll, be it enacted, That all and every returning officer and officers, unless prevented by any unavoidable accident, shall, during the continuance of the poll, on every day subsequent to the commencement of the same, cause the said poll to be kept open for seven hours at the least in each day, between the hours of eight in the morning and eight at night.

Within two days after receipt of the writ, proclamation to be made of the election which must begin between the 10th and 16th day after proclamation.

IV. And whereas inconveniencies may arise from the time allowed by the laws now in being for proceeding to an election of a knight or knights to serve in parliament, for any county or shire in England or Wales; be it enacted, That, immediately after the receipt of the writ for making any such election, and indorsing on the back thereof the day of receiving the same, as by law required, it shall and may be lawful for the sheriff of such county or shire, and he is hereby required, within two days after the receipt thereof, to cause proclamation to be made at the place where the ensuing election ought by law to be holden, of a special county court to be there holden for the purpose of such election only, on any day, *Sunday* excepted, not later from the day of making such proclamation than the sixteenth day, nor sooner than the tenth day; and that he shall proceed in such election, at such special county court, in the same manner as if the said election was to be held at a county court, or at an adjourned county court, according to the laws now in being: provided always, That the usual county court for all other purposes, or any adjournment made thereof, shall take place, be held, and proceeded in, by the sheriff, or his deputy, and may from time to time be further adjourned and proceeded in, in such and the same manner, and at the same times and places, as if the writ for the election of a knight or knights of the shire had not been received.

V. And whereas, although from the various and disputed rights of voting in several cities, boroughs, and other places, a positive oath of qualification cannot be required from the electors, yet it is apprehended that unqualified persons may be deterred from polling at such elections,

elections, under fictitious names or otherwise, by requiring from electors previously to their polling, the oath or affirmation herein-after mentioned; be it therefore further enacted, That, from and after the said first day of August, one thousand seven hundred and eighty-five, upon every election to be made, within that part of Great Britain called England or Wales, or town of Berwick upon Tweed, of any member or members to serve in parliament, in all cases where no oath or affirmation of qualification, other than the oaths or affirmations against bribery, or of allegiance, supremacy, and abjuration, can now by law be required, every person claiming to give his vote at the said election, shall, (if required by any candidate, or any person having a right to vote at such election), before he is admitted to poll, take the oath (or, being one of the people called Quakers, make the solemn affirmation) following; (that is to say),

An oath to be taken previous to polling.

I DO swear, (or, being a Quaker, do affirm), *That my name is A. B. and that I am* The oath.
[specifying
the addition; profession, or trade of such person,] and that the
the place of my abode is at in the county of
[and if it is a town consisting of more streets than one, specifying
what street]; and that I have not before polled at this election;
and that I verily believe myself to be of the full age of twenty-one
years.

which oath, or solemn affirmation, the returning officer or officers at such election, and his or their deputies and poll clerks, is or are hereby authorised and required to administer.

VI. And be it further enacted, That, from and after the first day of August, one thousand seven hundred and eighty-five, upon every election of any member or members to serve in parliament for any county, city, borough, or place, within England or Wales, or for Berwick upon Tweed, it shall and may be lawful for the returning officer or officers, if he or they see cause, and he and they are in such case authorised, during the continuance of any scrutiny which shall have been granted as aforesaid, to administer an oath to any person whatsoever consenting to take the same, touching the right of any person having voted at such election, or touching any other matter or thing material or necessary towards carrying on such scrutiny.

Returning officers authorised to administer oaths during a scrutiny.

VII. And whereas it is expedient that all persons employed as poll clerks at elections, should take an oath for the faithful discharge of their office, but the same is not at present required or authorised by law, except in counties and other places for which there are express provisions made by statute; be it therefore further enacted, That, from and after the said first day of August, one thousand seven hundred and eighty-five, at every election of any member or members of parliament for any city, borough, or other place, within England or Wales, or town of Berwick upon Tweed, every person whom the returning officer or officers shall retain to act as a clerk in taking the poll shall, before beginning to take such poll,

Poll clerks to take an oath for the faithful discharge of their duty.

be

be sworn by fuch returning officer or officers truly and indifferently to take the fald poll, and to fet down the name of each voter, and his addition, profefion, or trade, and the place of his abode, and for whom he fhall poll; and to poll no perfon who is not fworn or put to his affirmation, whereby this, or any other ftatute, any oath or affirmation now is, or hereafter fhall be required, which oath of every fuch poll clerk the fald returning officer or officers is or are hereby authorized and required to adminifter.

Persons taking, or fuborning others to take, a falfe oath, liable to the pains inflicted by 5 Eliz. c. 9. and 2 Geo. 2. c. 25.

VIII. And be it further enacted, That if any perfon, in taking any oath or affirmation herein before appointed or authorized to be taken before any returning officer or officers, fhall thereby commit wilful perjury, and be thereof convicted; or if any perfon fhall unlawfully and corruptly procure or fuborn any other perfon to take any fuch oath or affirmation, whereby he or fhe fhall commit fuch wilful perjury, and fhall be thereof convicted, he or fhe fo offending fhall incur fuch pains and penalties as are inflicted in and by two acts of parliament, the one made in the fifth year of the reign, of the late Queen Elizabeth, (intituled, *An act for punifhment of fuch perfon as fhall procure or commit any wilful perjury*); the other made in the fecond year of his late majefly King George the Second, (intituled, *An act for the more effectual preventing, and further punifhment of forgery, perjury, and fubornation of perjury; and to make it felony to feal bonds, notes, or other fecurities for payment of money*), for any perjury or fubornation of perjury, contrary to the fald acts.

Not to extend to places where particular regulations have been enacted by ftatute.

IX. Provided always, and be it enacted, That nothing in this act before contained fhall extend to or in anywife affect, alter, or regulate the mode or time of proceeding at any election of any member or members for any place where particular regulations, touching the duration of polls and fcutinies, are fpecially enacted by ftatute, but that every fuch election fhall be begun and carried on in the fame manner as if this act had not been made.

Where returns have not been duly made, a felect committee may be appointed, conformable to 10 Geo. 3. c. 16. and 11 Geo. 3. c. 42.

X. And whereas an act was paffed in the tenth year of his prefent Majefly's reign, (intituled, *An act to regulate the trials of controverted elections, or returns of members to ferve in parliament*); and another act was paffed in the eleventh year of his fald Majefly's reign, for explaining and amending the fald former act: and whereas no provision is made therein for the hearing and determining any petition, unless the fame fhall complain of an undue election or return of members to ferve in parliament; be it therefore enacted, That, from and after the firft day of Auguft, one thoufand feven hundred and eighty-five, if upon any writ or writs to be iffued for the election of any member or members to ferve in parliament, no return fhall be made to the fame on or before the day on which fuch writ is made returnable; or if a writ fhall have been iffued during any feffion or prorogation of parliament, and no return fhall be made to the fame within fifty-two days after the day on which fuch writ bears date; or if the return made in either of fuch cafes fhall not be a return of a member or members,

bers, according to the requifition thereof, but contain fpecial matters only concerning fuch election; it fhall and may be lawful for any perfon or perfons, having had, or claiming to have had, a right to vote at fuch election, or claiming to have had a right to be returned as duly elected thereat, who fhall think himfelf or themfelves aggrieved, to petition the houfe of commons concerning the fame; and upon fuch petition being prefented, a day and hour fhall be appointed for taking the fame into confideration, and notice thereof in writing fhall be forthwith given by the fpeaker to the petitioners, and to the returning officer or officers by whom fuch return ought to have been made, or fhall have been made, accompanied with an order to him or them to attend the houfe at the time appointed, by himfelf or themfelves, his or their counfel or agents; and a felect committee fhall be appointed, according to the directions of the faid two recited acts, for regulating the trial of controverted elections; which committee fhall try and determine whether any, and which of the perfon or perfons named in fuch petition ought to have been returned, or whether a new writ ought to iffue; which determination fhall be final to all intents and purpofes; and the houfe being informed thereof by the chairman of the faid felect committee, fhall order the fame to be entered in their journals, and give the neceffary directions for ordering a return to be made, or for altering the return if made, or for the iffuing a new writ for a new election, or for carrying the faid determination into execution, as the cafe may require.

XI. And be it further enacted, That all and every the rules, regulations, authorities, and powers, given or prefcribed by either of the faid recited acts for regulating the trial of controverted elections, with refpect to felect committees to be appointed by virtue of the faid acts, or either of them, fhall be in full force and effect with refpect to felect committees to be appointed by virtue of this prefent act, in as full and ample manner as if the fame were herein repeated and particularly and fpecially enacted concerning the fame.

XII. Provided always, That if the returning officer or officers, by whom fuch return ought to have been made, or has been made, cannot be found fo as to be ferved with the notice or order herein before mentioned, or being ferved fhall not appear by himfelf or themfelves, his or their counfel or agents, at the day or time appointed for taking fuch petition into confideration, it fhall and may be lawful for the houfe to permit or authorize any perfon to appear in the ftead of him or them; and in cafe there fhall be more petitions than one prefented, complaining of fuch return, or omiffion of a return, on diftinct interefts, or complaining upon different grounds, the houfe fhall determine from the nature of the cafe whether the returning officer or officers, or perfon appearing in the ftead of him or them, fhall, together with fuch petitioners, be intitled to ftrike off from the lift of members drawn by lot, in the manner directed by the faid act, paffed in the eleventh year of the reign

Notice of the meeting of committees to be given to the petitioners and returning officers.

Regulations of 10 Geo. 3. c. 16. and 11 Geo. 3. c. 42. extended to this act.

When returning officers cannot be found, or do not appear at committees, other perfons may be appointed to appear in their ftead, and when more than one petition is prefented, the houfe to determine whether the returning officer is to ftrike off

from the list of members drawn by lot.

of his present Majesty, in the case where there shall be more than two parties before the house, or whether such list shall be reduced by the parties severally presenting the said petitions only.

Returning of-
ficers liable to
prosecution
for offences
against this
act.

XIII. And be it enacted, That if any sheriff, or other returning officer or officers, who shall preside at any election of a member or members to serve in parliament for any county, city, borough, or place, shall wilfully offend against, or act contrary to the true intent and meaning of this act, every such person shall be liable to be prosecuted by information or indictment in his Majesty's court of king's bench, or at any court of oyer and terminer, great sessions, or gaol delivery, for the county, city, town, or place, where such offence shall be committed, in which no *Nolle prosequi* or *Cesset processus* shall be granted; any law, custom, or usage to the contrary notwithstanding.

Returning
officers may
be sued for
neglecting to
return per-
sons duly
elected.

XIV. And be it further enacted, That if any sheriff or returning officer shall wilfully delay, neglect, or refuse duly to return any person who ought to be returned to serve in parliament for any county, city, borough, or place within *Great Britain*, every such person may, in case it shall have been determined by a select committee, appointed in the manner herein-before directed, that such person was intitled to have been returned, sue the sheriff, or other officer or officers, having so wilfully delayed, neglected, or refused, duly to make such return, and every or any of them, at his election, in any of his Majesty's courts of record at *Westminster*, or the court of session in *Scotland*; and shall recover double the damages he shall sustain by reason thereof, together with full costs of suit.

Actions to be
commenced
within one
year after the
offence, or
six months
after conclu-
sion of pro-
ceedings in
the house.

XV. Provided always, and be it further enacted, That every indictment, information, or action, for any offence against this act, shall be found, filed, or commenced within one year after commission of the fact on which such indictment, information, or action shall be grounded, or within six months after the conclusion of any proceedings in the house of commons relating to such election.

Poll may be
adjourned
from Win-
chester to
Newport in
the Isle of
Wight, &c.

XVI. Provided always, That, notwithstanding any thing in this act contained, it shall and may be lawful for the sheriff of the county of *Southampton*, and he is hereby required, after any poll for the said county shall have closed at *Winchester*, and which shall always be closed within the space of fifteen days at the most, in the manner above required, to adjourn the poll to *Newport in the Isle of Wight*, in case the same shall be required by one or more of the candidates, so that every such adjourned poll shall commence within four days from the close of the poll at *Winchester*, and shall not continue longer than three days at the most.

C A P. LXXXV.

An act for paving the footways in the borough of Reading, in the county of Berks; for better repairing, cleaning, lighting, and watching the streets, lanes, passages, and places in the ſaid borough; and for removing incroachments, obſtructions, and annoyances therefrom, and preventing the like for the future.

C A P. LXXXVI.

An act for better watching, lighting, and cleaning ſuch parts of the precinct of Saint Catherine near the tower of London, in the county of Middleſex, as are not included in the proviſions of certain acts paſſed in the ſeventh and ninth years of his preſent Ma- jeſty's reign; and for preventing nuiſances and annoyances therein.

C A P. LXXXVII.

An act for extending the Dudley canal to the Birmingham canal, at or near Tipton Green, in the county of Stafford.

C A P. LXXXVIII.

An act for lighting and watching the village of Clapham, and certain roads leading thereto, in the county of Surrey.

C A P. LXXXIX.

An act for ſupplying the inhabitants of the pariſh of Lambeth, and parts adjacent, in the county of Surrey, with water.

C A P. XC.

An act for the better paving, cleaning, and lighting, the ſtreets, lanes, ways, and passages, within the borough of Arundel, in the county of Suſſex; and for removing and preventing incroachments, obſtructions, and annoyances therein.

C A P. XCI.

An act for taking down the market houſe in the borough of Bridport, in the county of Dorſet, and rebuilding the ſame, together with a ſeſſion or court houſe, in a more convenient ſituation; for removing the ſhambles, or butcher row; for better paving, cleaning, lighting, and watching the ſaid borough; for removing and preventing nuiſances and annoyances; and for prohibiting the covering of any new houſes or buildings within the ſaid borough with thatch.

C A P. XCII.

An act for draining, preſerving, and improving certain low grounds and carrs in the ſeveral pariſhes of Saint John in Beverley, and of Skidby, in the eaſt riding of the county of York.

C A P. XCIII.

An act for the removal and rebuilding of the council chamber, guild-hall, and gaol, of the city of New Sarum; and for aſcertaining the tolls of the market, and regulating the chairmen within the ſaid city.

C A P. XCIV.

An act for repairing, new pewing, ſeating, and erecting galleries, and making other alterations and additions in and to the pariſh church of Kiddermiſter, in the county of Worceſter.

c

C A P.

C A P. XCV.

An act for rebuilding the parish church of Christ Church, otherwise The Holy Trinity, within the city of Bristol; and for widening the streets adjacent thereto.

C A P. XCVI.

An act for amending two acts, of the eighth and sixteenth years of his present Majesty, for opening certain passages, and for paving the streets and other places, in the parish of Saint Leonard Shoreditch, and such part of Hog Lane as lies within the liberty of Norton Falgate, in the county of Middlesex, and for preventing annoyances therein.

C A P. XCVII.

An act to enable the mayor and commonalty and citizens of the city of London to pull down the Poultry and Wood-street Compters, and to purchase certain ground and buildings within the said city for the purpose of rebuilding the same.

C A P. XCVIII.

An act to enable his Majesty to grant the inheritance of certain lands, tenements, and hereditaments, situate in or near North Scotland Yard, in the county of Middlesex, in exchange for the inheritance of certain buildings or barracks, and land adjoining thereto, and also of certain ground contiguous to Tinmouth Castle, in the county of Northumberland, belonging to the duke of Northumberland, or for such further or other compensation as shall be a full consideration for the same; and also to empower the said duke to make such exchange.

C A P. XCIX.

An act to enable the company of proprietors of the navigation from The Trent to The Mersey, and the company of proprietors of the navigation from Birmingham to Fazeley, to make a navigable canal from the said Trent and Mersey navigation, on Fradley Heath, in the county of Stafford, to Fazeley, in the said county; and for confirming certain articles of agreement entered into between the said Trent and Mersey, the Oxford, and the Coventry, canal navigation companies.

C A P. C.

An act for amending and improving the navigation of the river Arun, from Houghton Bridge, in the parish of Houghton, in the county of Suffex, to Pallenham Wharf, in the parish of Wisborough Green, in the said county; and for continuing and extending the navigation of the said river Arun, from the said wharf called Pallenham Wharf, to a certain bridge, called New Bridge, situate in the parishes of Pulborough and Wisborough Green, in the said county of Suffex.

T H E

Statutes at Large,

Anno vicesimo sexto GEORGII III. Regis :

Being the THIRD Session of the

Sixteenth Parliament of GREAT BRITAIN.

VOL. XXXV. PART II.

THE
Statutes at Large,

FROM
M·A·G·N·A·C·H·A·R·T·A

To the END of the
Eleventh Parliament of GREAT BRITAIN,
Anno 1761.

C O N T I N U E D .

By DANBY PICKERING, of Gray's-Inn, Esq.
Reader of the Law Lecture to that Honourable Society.

V O L . XXXV .

C A M B R I D G E ,

Printed by JOHN ARCHDEACON, Printer to the UNIVERSITY;
(By Affignment from the Executor of Mr. Charles Bathurst,)
For Jos. JOHNSON, in St. Paul's Church-yard, and DAVID OGILVY, in
Middle Row, Holborn, London. 1786.

CUM PRIVILEGIO.

THE
STATUTES at Large, &c.

Anno regni GEORGII III. Regis, Magnæ Britanniae, Franciæ, & Hiberniæ, vicesimo sexto.

AT the parliament begun and holden at Westminster, the eighteenth day of May, Anno Domini 1784, in the twenty-fourth year of the reign of our sovereign lord GEORGE the Third, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued, by several prorogations, to the twenty-fourth day of January, 1786; being the third session of the sixteenth parliament of Great Britain.

C A P. I.

An act for confining, for a limited time, the trade between the ports of the united states of America, and his Majesty's subjects in the island of Newfoundland, to bread, flour, Indian corn, and live stock, to be imported in none but British-built ships, actually belonging to British subjects, and navigated according to law, clearing out from the ports of his Majesty's European dominions, and furnished with a licence according to the form hereunto annexed.

WHEREAS it is expedient to regulate, for a limited time, Preamble.
the trade between the ports of the united states of America and his Majesty's subjects in the island of Newfoundland: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the au-
VOL. XXXV. G g thority

Restrictions on the importation of goods into Newfoundland.

thority of the same, That, from and after the passing of this act, and during the continuance of the same, no goods or commodities whatsoever shall be imported or brought into any port, harbour, or place, in the island of *Newfoundland*, or the adjacent islands to his Majesty belonging, from any place or country belonging to the united states of *America*, upon any pretence whatsoever, except bread, flour, *Indian* corn, and live stock, under the restrictions and regulations herein after mentioned; any law, custom, or usage, to the contrary notwithstanding.

No bread, flour, Indian corn, or live stock, to be imported into Newfoundland from the united states of *America*, except in licensed British-built ships, etc.

II. And it is hereby further enacted by the authority aforesaid, That, from and after the passing of this act, and during the continuance of the same, no bread, flour, *Indian* corn, or live stock, shall be brought or imported, from any place or country belonging to the said united states of *America*, into any port, harbour, or place of the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, except in *British*-built ships, which shall actually and *bona fide* belong to and be wholly owned by *British* subjects, and navigated according to law, and which shall, within the space of seven months previous to the time of such importation, have cleared out from some port in *Great Britain*, or some other part of his Majesty's dominions in *Europe*, for which purpose a licence shall have been granted by the commissioners of his Majesty's customs in *England* or *Scotland*, or the commissioners of his Majesty's revenue in *Ireland*, or any other persons who may be duly authorized in that kingdom, respectively, in the manner and form herein-after mentioned; which licences shall continue and be in force for seven calendar months from the day of the date upon which they are respectively granted, and no longer.

Time for granting licences limited.

III. Provided always, and be it enacted, That no such licence shall be granted by virtue of this act after the thirtieth day of *June*, one thousand seven hundred and eighty-seven.

Master of vessel to deliver licence to custom house officer at port of discharge;

IV. And it is hereby further enacted by the authority aforesaid, That the master or person having the charge or command of any ship or vessel to whom such licence shall be granted shall, upon the arrival of the said ship or vessel at the port, harbour, or place in the island of *Newfoundland*, or the adjacent islands to his Majesty belonging, where she shall discharge such bread, flour, *Indian* corn, or live stock, deliver up the said licence to the collector or other proper officer of the customs there, having first endorsed upon the back of such licence the marks, numbers, and contents of each package of bread, flour, and *Indian* corn, and the description and tale of each sort and species of live stock, on forfeiture of one hundred pounds; and the collector, or other proper officer of the customs at *Newfoundland*, is hereby enjoined and required to give a certificate to the master or person having the charge or command of such ship or vessel, of his having received the said licence so endorsed as before directed, and to transmit the same to the commissioners of his Majesty's customs in *England* or *Scotland*, or to the commissioners

who shall give a certificate thereof, etc.

missioners of his Majesty's revenue in *Ireland*, respectively, by whom such licence was granted.

V. And it is hereby further enacted by the authority aforesaid, That if any bread, flour, *Indian* corn, or live stock, shall be imported or brought from any place or country belonging to the said united states of *America*, into the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, without the licence by this act directed; or if any other goods or commodities whatsoever shall be imported or brought into the said island of *Newfoundland*, or the adjacent islands to his Majesty belonging, from any place or country belonging to the said united states of *America*, contrary to the true intent and meaning of this act, all such bread, flour, *Indian* corn, live stock, and other goods, together with the ship or vessel in which the same shall be so imported or brought, shall be forfeited, and shall and may be seized by any officer of the customs in the said island, and the same, as well as the pecuniary penalty inflicted by this act, may be sued for, prosecuted, and recovered, in any court of vice admiralty which shall have jurisdiction within the said island of *Newfoundland*; and, after deducting the charges of prosecuting the same from the gross produce thereof, the remainder shall be given, one third to his Majesty, his heirs and successors, one other third to the governor of the said island, and the other third to the officer or officers of the customs who shall seize and prosecute for the same.

Goods imported contrary to this act to be forfeited.

How to be divided.

VI. And it is hereby further enacted by the authority aforesaid, That this act shall continue in force from the commencement thereof until the twenty-fifth day of *March*, one thousand seven hundred and eighty-eight.

Continuance of this act.

The Form of the Licence directed by this Act.

By the commissioners for managing and causing to be levied and collected his Majesty's customs, subsidies, and other duties, in [where].

WHEREAS [name of the person], one of his Majesty's subjects residing at [place where], hath given notice to us the commissioners of his Majesty's [customs in Great Britain, or revenue in Ireland,] that he intends to lade at [some port of the united states in America], and import into [some part of Newfoundland], in the [ship's name], being a British-built ship, [describing the tonnage, and what sort of vessel], navigated according to law, whereof [master's name] is master, bound to, [where], and it appearing by the register of the said ship the [ship's name], whereof [master's name] is master, that the said ship the [ship's name] was built at [place where], and owned by [owner's name], residing at [place where], all his Majesty's

Anno vicefimo fexto GEORGH III. C. 2—4. [1786.

Majesty's British fubjects, and that no foreigner, direclly or indireclly, bath any fshare, part, or intereft therein:

Now be it known that the faid [perfon's name], *bath licence to lade on board the faid fhip* [fhip's name], *at and from any port or place belonging to the united ftates of America, bread, flour, Indian corn, and live ftock, the produce of the faid united ftates, and no other article whatfoever, and to carry the faid bread, flour, Indian corn, and live ftock, to fome port or place on the ifland of Newfoundland, or the adjacent iflands to his Majesty belonging; and on the arrival of the faid fhip at any port, harbour, or place of difcharge in Newfoundland, or the adjacent iflands to his Majesty belonging, the mafter or perfon having the charge or command of the faid fhip is required and enjoined to deliver up the faid licence to the colleclor, or other proper officer of his Majesty's customs there, and to endorse on the back thereof, the marks, numbers, and contents of each package of bread, flour, or Indian corn, and the description and tale of each fort and fpecies of live ftock, on penalty of one hundred pounds; and fhall thereupon receive a certificate thereof from the faid colleclor, or other proper officer of the customs.*

This licence to continue in force for calendar
months from the date hereof.

Signed by us the at the
this day of one thousand feven
hundred and

Licence to import bread, flour, Indian corn, and live ftock, the produce of the united ftates of America, into Newfoundland.

C A P. II.

An act to continue an act, made in the laft feffion of parliament, intituled, An act to prohibit, for a limited time, the exportation of hay.

25 Geo. 3. c. 62. further continued till one month after the commencement of the next feffion of parliament.

C A P. III.

An act for granting an aid to his Majesty by a land tax, to be rafled in Great Britain, for the fervice of the year one thousand feven hundred and eighty-fix, at 4s. in the pound: 2,037,627l. 9s. and a farthing: whereof to be rafled in England 1,989,673l. 7s. and 10d. farthing; and in Scotland 47,952l. 1s. and 2d. by an eight months cels of 5,994l. 5s. and 1d. three farthings, per menfem. Clause of loan at 4l. and 10s. per cent. per ann.

C A P. IV.

An act for further continuing, for a limited time, an act made in the twenty-third year of the reign of his prefent Majesty, intituled, An act for preventing certain inftruments from being required from fhips belonging to the united ftates of America; and to give to his Majesty, for a limited time, certain powers for the better carrying on trade and commerce between the fubjects of his Majesty's dominions and the inhabitants

inhabitants of the faid united ftates; and for further continuing, for a limited time, an act made in the twenty-fourth year of the reign of his prefent Majefty, intituled, An act to extend the powers of an act, made in the twenty-third year of his prefent Majefty, for giving his Majefty certain powers for the better carrying on trade and commerce between the fubjects of his Majefty's dominions and the inhabitants of the united ftates of America, to the trade and commerce of this kingdom with the British colonies and plantations in America, with refpect to certain articles therein mentioned.

23 Geo. 3. c. 39. 24 Geo. 3. c. 45. and 25 Geo. 3. c. 5. recited, and further continued until April 5, 1787.

C A P. V.

An act to regulate the exportation of hops to Ireland.

25 Geo. 3. c. 74. feft. 12. recited. From March 6, 1786, British hops may be exported to Ireland, before duties paid, on giving proper notice, &c. If not exported agreeable to notice, a fresh notice to be given. Security to be given that the hops fhall not be relanded, &c. Exporter to make oath that he believes the duties have been duly charged, &c. Particulars to be complied with before any debenture fhall be granted for a drawback. Collector to pay the drawback. Taking a falfe oath, &c. deemed perjury. Hops relanded after giving security, &c. fhall be forfeited. Act not to authorife exporting of hops to any place, or in any manner, not heretofore allowed; except as in this act is exprefsly provided. No additional drawback to be allowed. Penalties and forfeitures to be recovered as any penalty, &c. by the laws of exchequer, or by action in any of the courts of record at Weftminfter, or in the court of exchequer in Scotland; and one moiety to go to the King, and the other to the informer. Actions to commence three months next after the thing done, and to be laid in the proper county. Defendant may plead the general iffue, and have treble cofts.

C A P. VI.

An act for continuing and granting to his Majefty certain duties upon malt, mum, cyder, and perry, for the fervice of the year one thoufand feven hundred and eighty-fix. — Continued till June 24, 1787.

C A P. VII.

An act for the regulation of his Majefty's marine forces while on fhore.

C A P. VIII.

An act to enable the perfons therein named to provide proper places on fhore for the reception of the crew of the Voorberg Dutch Eaft Indiaman, forced by ftrefs of weather into the port of Dartmouth.

That it is neceffary that fome provifion fhould be made for the relief of the people belonging to the Voorberg, a Dutch Eaft India fhip outward bound, which on her paffage from Amfterdam was forced into the port of Dartmouth in great diftreff; and in confequence of the great fatigue fuffered by the crew, they were become very fickly, many had died, and unlefs they were removed on fhore many more would have died; therefore Arthur Holdfworth, efg. governor of Dartmouth caftle, together with the mayor of Dartmouth, and the collector of the cuftoms, or any two of them, empowered to take poffeffion of wafte grounds or commons, at a convenient diftance from any inhabited houfe, or where fuch wafte grounds, &c. were not fufficient, of any other ground, etc. not being a houfe, park, garden, orchard, yard, or planted walk, &c. for the purpofe of erecting tents or fheds, for the reception of the crew of the faid fhip, paying fuch rate, rent, or confideration for the fame, as fhall be agreed on. If parties cannot agree on the rent, the fame to be fet-

tled by a jury at the quarter sessions, who are to be impanelled by the sheriff without fee or reward, and sworn to value the ground, &c.

C A P. IX.

An act to explain and amend an act of the last session of parliament, intituled, An act for granting to his Majesty certain duties on shops within Great Britain; for repealing several of the duties granted by the said act, and for granting other duties in lieu thereof.

Preamble.
25 Geo. 3.
c. 30.

WHEREAS several duties were granted upon shops, by an act, made in the last session of parliament, intituled, An act for granting to his Majesty certain duties on shops within Great Britain: and whereas we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, do think it will be for the advantage of the publick to repeal the duties upon shops, the yearly rent or value whereof shall be under thirty pounds, and to grant unto your Majesty the several new duties hereinafter mentioned, to be applied to the uses and purposes which the said duties formerly granted are now applicable unto; we do therefore most humbly beseech Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of April, one thousand seven hundred and eighty-six, all the duties granted by the said act (except the duty thereby charged on any house, or other building or place, of the yearly rent or value of thirty pounds, and upwards) shall cease, determine, and be no longer paid or payable; except only such monies as shall become due in respect of the said duties assessed at any time on or before the said fifth day of April, one thousand seven hundred and eighty-six, and which shall be in arrear and unpaid.

From April 5,
1786, all du-
ties on shops,
in houses not
worth 30l. per
ann. repealed.

New duties.

II. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of April, one thousand seven hundred and eighty-six, there shall be charged, raised, levied, and paid unto his Majesty, his heirs and successors, throughout Great Britain, the several and respective duties upon shops herein-after mentioned; that is to say,

For every house, any part of which shall be used as a retail shop, worth 5l. per ann. and under 10l.—4d. in the pound:

For every house, or other building, now or hereafter to be erected, any part of which shall, for the time being, be used as a shop, publickly kept open for carrying on any trade, or for selling any goods; wares or merchandize, by retail, and upon every building or place used as a shop only, for the purposes before mentioned, of the yearly rent or value of five pounds, and under ten pounds, the yearly sum of four-pence in the pound of such rent or value:

worth 10l. and under 15l.—8d. in the pound:

For every such house, or other building or place, of the yearly rent or value of ten pounds, and under fifteen pounds, the yearly sum of eight-pence in the pound of such rent or value:

For

For every fuch houfe, or other building or place, of the yearly rent or value of fifteen pounds, and under twenty pounds, the yearly fum of one fhilling in the pound of fuch rent or value : worth 15l. and under 20l. — 1s. in the pound :

For every fuch houfe, or other building or place, of the yearly rent or value of twenty pounds, and under twenty-five pounds, the yearly fum of one fhilling and three-pence in the pound of fuch rent or value : worth 20l. and under 25l. — 1s. 3d. in the pound :

And for every fuch houfe, or other building or place, of the yearly rent or value of twenty-five pounds, and under thirty pounds, the yearly fum of one fhilling and nine-pence in the pound of fuch rent or value : worth 25l. and under 30l. — 1s. 9d. in the pound.

III. Provided always, and it is hereby enacted by the authority aforefaid, That no duty fhall be impofed, affeffed, or levied, by virtue of this, or of the faid recited act, for or in refpect of any fuch houfe or fhop, whereof the occupier or occupiers, by reason of his, her, or their poverty only, is or are exempted from the actual payment of the ufual taxes, affeffments, and contributions towards the church and poor. Poor perfons not paying to church and poor, exempted.

IV. And be it further enacted and declared by the authority aforefaid, That the faid duties by this act impofed, and alfo the arrears of the duties granted by the faid former act, fhall, together with the faid unrepeated duty of two fhillings in the pound on every fuch houfe, or other building or place, of the annual rent or value of thirty pounds, and upwards, be under the management of the fame commiffioners, and fhall be affeffed, raifed, levied, collected, paid, received, and applied, by fuch and the fame perfons, and for fuch and the fame purpofes, and in fuch and the fame form and manner, and with fuch and the fame allowances, and under fuch and the fame penalties, as by the faid recited act is prefcribed, with refpect to the duties thereby impofed; and all and every the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, contained in the faid act, and not hereby altered or repealed, fo far as the fame were intended to take effect, and be executed after the faid fifth day of April, one thoufand feven hundred and eighty-fix, fhall be in full force, and be duly obferved, praftifed, and put in execution throughout the kingdom of Great Britain, for raifing, levying, collecting, and paying, the feveral duties on fhops by this act granted, as fully and effectually, to all intents and purpofes, as if the fame, or the like powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, were particularly repeated and re-enacted in the body of this prefent act. New duties, &c. to be under the fame management, and applied to the fame purpofes, as the former duties.

V. Provided always, and be it enacted, That, inftead of the oath required to be taken by the faid herein-before recited act, every commiffioner who fhall, from and after the faid fifth day of April, one thoufand feven hundred and eighty-fix, proceed to act, or begin to act in the execution of the faid former act, and of this act, fhall take the following oath : Commiffioners to take a new oath.

The oath.

I DO swear, That I will truly and faithfully execute the office of a commissioner for the duties on shops, and will determine upon all appeals which shall be brought before me, according to the best of my skill and knowledge.

And every assessor, or surveyor or inspector authorised to act as assessor, shall, instead of the oath required to be taken by the said herein-before recited act, take the following oath, or, being a Quaker, make the following affirmation :

Assessor's oath.

I DO swear, (or affirm, as the case may be), That in the assessment which I shall make upon every house, building, or place, liable to the duties on shops, within the district or parish for which I am appointed or authorised to act as assessor, I will rate each at the true annual value, according to the best of my skill and knowledge; and that I will truly and faithfully execute the trusts reposed in me as such assessor.

Which oaths, as also all and every other oaths which may be requisite and necessary for carrying into execution this or the said recited act, any two or more of the commissioners within each county, city, or place respectively, are hereby authorised to administer.

Defendants may plead the general issue,

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give the special matter in evidence; and if upon a trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs to him or them awarded against the plaintiff or plaintiffs.

and recover treble costs.

C A P. X.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.
From March 24, 1786, to March 25, 1787. Number of forces 17,638, including 2,030 invalids.

C A P. XI.

An act for enlarging the term of several acts of parliament, for the repair of Dover harbour.
21 & 12 Gul. 3. c. 5. 2 Annæ, c. 7. 4 Geo. 1. c. 13. 9 Geo. 1. 11 Geo. 2. 31 Geo. 2. c. 8. Former acts further continued for 21 years. Expences of this act to be paid out of money arising from rates or duties. To be a publick act.

C A P. XII.

An act for opening, making, widening, and altering certain streets, passages, and places, within the town of Liverpool, in the county palatine of Lancaster; for supplying the said town with fresh and wholesome water;

water; for removing and preventing nuisances and annoyances therein; for appointing additional market places; and for extending so much of the powers of an act of the second year of his present Majesty, as relates to hackney coachmen, chairmen, carters, and porters, to a certain distance beyond the liberties of the said town.

C A P. XIII.

An act to continue and render more effectual so much of an act, passed in the twenty-seventh year of the reign of his late majesty King George the Second, as imposes a duty on ships and vessels anchoring in the harbour of Alloa, in the county of Clackmannan, for repairing the pier of the said harbour.

C A P. XIV.

An act to prevent frauds and abuses in the admeasurement of coals, sold by wharf measure, within the several parishes lying between Putney and Rotherhithe, both inclusive, in the county of Surry.

Preamble recites 19 Geo. 2. c. 35. & 7 Geo. 3. c. 23. A land coal-meter's office near Blackfriars bridge appointed, and five subordinate offices, to be managed by David Evans and John Burnett; subject to the controul of the quarter sessions. Justices to administer oaths. Appointing other meters in cases of death or removal. Principal coal-meter to be sworn. The oath, viz.

I A. B. do swear, [or, being of the people called Quakers, do solemnly affirm], That I will truly and faithfully, according to the best of my judgement and ability, execute the office of principal land coal-meter for the several wharfs between Putney and Saint Mary Rotherhithe, both inclusive, in the county of Surrey.

So help me GOD.

Labouring meters to be appointed, and deputies. Penalty on principal meters for not appointing, and on labouring meters for neglecting to attend. Labouring meter's oath, viz.

I A. B. do swear, [or, being of the people called Quakers, do solemnly affirm], That I will duly and faithfully, to the best of my skill and knowledge, execute the office of one of the labouring coal-meters for the several wharfs situate between Putney and Saint Mary Rotherhithe, both inclusive, in the county of Surrey, and that I will truly and impartially measure, or see measured, all coals between buyer and seller, without favour or hatred.

So help me GOD.

Meters not to be interested in the sale of coals. Deputies neglecting to send a labouring meter, or labouring meters not attending on notice, to forfeit 20s. Stations of labouring meters to be varied. Coals to be measured in presence of a labouring meter. Coal-meter's fee, 4d. per chaldron. Tickets to be delivered to the feller or carman, to contain the christian and surname of the sellers and consumers, the quantity, day of the week, month, year of delivery, and admeasurement; the amount of the metage charge, and the name of the carman, &c. Tickets to be delivered by labouring meter to carman, and by him to the consumer. Labouring coal-meters refusing to deliver ticket to the carman, to forfeit 40s. and on the carman refusing to deliver it to the consumer, 20s. Vendor sending coals unmeasured or without a ticket, to forfeit 10l. Dimensions of sacks to be 4 feet in length, and 2 feet in breadth; and for using false bushel, to forfeit 5l. Wharingers, &c. bribing meters, to forfeit 50l. Meters permitting deficient sacks to be used, to forfeit 40s. or otherwise not performing their duty, 40s. and incapacitated. If the penalty is not paid within a month, it may be recovered from the principal.

principal. Exemptions with refpect to water-works, or to coals bought and fold, or delivered by pool meafure; if a meter is employed, to be paid 4d. per chaldron. Meters fuffering coals to pafs without being meafured, to forfeit 5l. Carman permitting coals to be taken out of his cart, to forfeit 40s. or be imprifoned. Coals may be re-meafured. Penalties on vender, meter, etc. if found to be fhort meafure, 5l. per bufhel fhort, by the vender, and 2s. 6d. by per bufhel by the coal porter. Carmen to be paid 2s. 6d. per hour when ftopped to re-meafure coals, to be paid by the vender. Dealers offending under this act not liable to penalties of 3 Geo. 2. c. 26. etc. but as herein mentioned. Penalties and forfeitures if above 5l. to be recovered by action of debt, etc. in any court of record at Weftminfter, one moiety for the King and the other with cofts to the profecutor; and under 5l. to be by complaint to the iuftices of Surrey, one moiety to the informer, and the other to the poor of the parifh; to be recovered by diftreff and fale of goods, and in default, 30 days' imprifonment. Perfons aggrieved may appeal to the quarter feflions. No certiorari. Actions to commence 2 months next after faft, and to be laid in Surrey. The defendant may plead the general iffue, and have full cofts. Referving the rights of the corporation of the city of London within South-wark. Publick act.

C A P. XV.

An act for augmenting and afcertaining the income of the reftors of the parifh church and parochical chapel of Liverpool.

Recital of private act 10 & 11 Gul. 3. no. 36. 200l. annually paid the reftors fince the act. Refolution of the veftry to make an addition of 200l. a year to the reftors, etc. The additional 200l. a year to be raifed upon the occupiers of houfes, etc. and to be regulated by the poor's rate of the preceding year. Power to levy the rate. The collectors are to account with the churchwardens on oath. In cafe the whole money collected fhall not be received from the collector, a new rate to be made to make good the deficiency. Appeal to the quarter feflions. The provision by this act to be in lieu of tythes, etc. Not to deprive the reftors of fupplce feces. The 200l. a year to be paid the reftors half-yearly. Power for reftors to fue for the fame. Not to charge any poor perfons or cottagers with the rates for the reftors, who are not chargeable with publick taxes; nor any inhabitant not renting 5l. a year. Saving claufe to the patrons of the parifh church and chapel. Claufe refpecting feats and pews in Saint Nicholas Chapel. Pews vefted in the reftors. The inhabitants difcharged from providing any houfe or garden for the reftors. Publick act.

C A P. XVI.

An act to explain and amend certain provisions of an act, made in the twenty-fourth year of the reign of his prefent Majesty, refpecting the better regulation and management of the affairs of the Eaft India company.

Preamble.

24 Geo. 3. c.
35.

WHEREAS, by virtue of an act, made and paffed in the twenty-fourth year of his prefent Majesty's reign, intituled, An act for the better regulation and management of the affairs of the Eaft India company, and of the Britifh poffeffions in India; and for eftablifhing a court of judicature for the more speedy and effectual trial of perfons accused of offences committed in the Eaft Indies; it is enacted, That whenever any vacancy of the office of governor general or prefident, or of any member of the council, fhall happen in any of the prefidencies of Fort William in Bengal, Fort Saint George, or Bombay refpectively, the court of directors of the faid united company fhall proceed to nominate and ap-
point

point a fit person to supply such vacancy from amongst their covenanted servants in India, except to the office of governor general, or the office of governor or president of Fort Saint George, or Bombay, or of any commander in chief, to which several offices the said court of directors have liberty to appoint any other person or persons: and whereas a doubt may arise whether, according to the strict letter of the said act, the nominations and appointments, made or to be made by the said court of directors, of any of the covenanted servants of the said company to supply the vacant office of any counsellor or counsellors in any of the presidencies aforesaid, are or would be valid or effectual, unless such covenanted servants were actually resident in India at the times of the making of such nominations and appointments respectively: therefore, for obviating any such doubt, may it please your most excellent Majesty that it may enacted and declared; and be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the nominations and appointments which have been, or shall hereafter be made by the said court of directors, for supplying any such vacancy or vacancies as aforesaid, of any person or persons under covenant, or who shall have been under covenant to serve the said united company in India, were and shall be accepted, held, and taken to have been and hereafter to be valid and effectual, whosoever such persons were or may happen to be resident at the times of the making such nominations and appointments respectively.

Certain nominations of covenanted servants by the court of directors declared valid.

II. Provided always, and be it further enacted by the authority aforesaid, That the said court of directors shall not appoint any person to be of the council, in any of the said presidencies, (other than the governor general, or the governor or president, or commander in chief), who shall not, at the time of his appointment, have been twelve years at the least, in the whole, resident in India, in the civil line of the company's service; and if any such appointment other than as aforesaid shall be made, the same shall be null and void.

No person to be appointed of the council (except the governor general, etc.) who has not been 12 years in the civil line of service.

III. And whereas it is in and by the said act also enacted, That when and so often as the number of members of any of the councils of Fort William, Fort Saint George, or Bombay, shall by death or absence, or by reason of sickness, or otherwise, for fourteen days, be reduced to two, including the governor general, or president of such council, the person who shall stand senior in such provisional appointment as is therein before mentioned, or in case there shall be no such appointment, then the senior civil servant of the said company upon the spot shall be called to such council, and shall have a voice therein, in like manner as if he had been appointed thereunto by the said directors: and whereas the said recited clause or provision hath been productive of difficulty and embarrassment: be it therefore further enacted by the authority aforesaid, That so much and such part of the said

A clause in 24 Geo. 3. c. 25. recited,

recited act, as directs that the senior civil servant of the company upon the spot shall, upon any of the occasions, or in any of the events aforesaid, be called to the council of any of the said

and repealed.

said presidencies, or have voice therein, shall be, and the same is hereby repealed.

Temporary
counsellors
how to be ap-
pointed at
Fort William,
etc.

IV. And be it further enacted, That when and so often as the number of members of any of the councils of *Fort William*, *Fort Saint George*, or *Bombay*, shall, by death or resignation, be reduced to two, including the governor general, or the president of such council for the time being respectively, and there shall happen to be no person on the spot provisionally appointed to succeed to a seat in such council, the governor general and council within the presidency of *Fort William*, and the governor or president and council of *Fort Saint George*, and the governor or president and council of *Bombay*, within their respective presidencies, shall, and they are hereby severally required to call to such their respective councils such person from amongst the civil servants of the said company in such government or presidency respectively, who shall have been in the service of the said company in *India*, as a covenanted servant, for the space of twelve years, at the least, in the whole, as the said governor general and council, or governors or presidents and councils, in their several presidencies, shall severally and respectively think fit; and the person so called shall have a seat and voice in council, and continue to be a member thereof until the vacancy shall be duly supplied and filled, according to the directions of the said recited act, and this present act; and that every person who shall be so called by the said governor general and council, or governors or presidents and councils respectively, to a seat in the council of any of the said presidencies, shall be entitled, for the time he shall continue therein, to the salary and allowance annexed to that office or station, and shall and may continue to hold any other office or employment which he enjoyed at the time of his being called to a seat in council, if compatible therewith; or such office or employment shall and may be held by any deputy, approved and allowed by order in council, during the time of the person so called holding his seat at the council board, such deputy receiving the profits and emoluments thereof for his own use and benefit.

V. And whereas it is in and by the said recited act enacted, That the commander in chief of the company's forces in *India* for the time being shall have voice and precedence in the supreme council next after the governor general of *Fort William*; and that the commanders in chief at *Fort Saint George*, and *Bombay* shall respectively be of the council in the said respective presidencies: and whereas it may be more expedient that any such commander in chief should not, by virtue of his said office, be a member of any of the said respective councils, unless he be specially appointed thereto: be it therefore enacted, That so much and such part of the said act as directs, that the commander in chief of the company's forces in *India* for the time being, or the commanders in chief in the presidencies or settlements of *Fort Saint George* and *Bombay*, shall, by virtue of their said respective offices, be a member or members of any of the councils of *Fort William*, *Fort Saint George*, or *Bombay*, respectively,

Part of the
recited act,
relative to
commanders
in chief, re-
pealed.

pectively, or have any voice or prefidence therein, fhall be, and the fame is hereby repealed.

VI. Provided always, and be it enacted, That nothing in this or in any former act contained fhall extend to preclude the court of directors of the faid united company from appointing the commander in chief of the company's forces in *India* to be governor general or a member of the fupreme council at *Fort William* in *Bengal*; or from appointing either of the faid commanders in chief of *Fort Saint George* and *Bombay*, to be prefident or member of the council for the prefidency wherein he fhall fo be the commander in chief; or to prevent or preclude the court of directors of the faid company from appointing the governor general of *Bengal*, or any other member of the fupreme council for the time being, to be the commander in chief of the company's forces in *India*; or from appointing either of the governors or prefidents of *Fort Saint George* and *Bombay*, or any of the members of council of the faid refpective prefidencies for the time being, to be commander in chief of the forces within the fame prefidency of which he fhall be the governor or prefident, or a member of council, if the faid court of directors fhall think fit and expedient fo to do.

VII. *And whereas it would tend greatly to the ftrength and fecurity of the British poffeffions in India, and give energy, vigour, and difpatch to the meafures and proceedings of the executive government within the refpective prefidencies, if the governor general of Fort William in Bengal and the feveral governors or prefidents of Fort Saint George, and Bombay, were vefted with a difcretionary power of acting without the concurrence of their refpective councils, or forbearing to act, according to their opinions in cafes of high importance, and effentially affecting the publick intereft and welfare, thereby fubjecting themfelves perfonally to answer to their country for fo acting or forbearing to act;* be it therefore enacted, That when and fo often as any meafure or queftion fhall be propofed or agitated in the fupreme council at *Fort William* in *Bengal*, or in either of the councils of *Fort Saint George* and *Bombay*, whereby the interefts of the faid united company, or the fafety or tranquillity of the *British* poffeffions in *India*, or any part thereof, are or may, in the judgement of the governor general, or of the prefidents of fuch councils refpectively, be effentially concerned or affected; and the faid governor general, or fuch prefidents refpectively, fhall be of opinion, that it will be expedient either that the meafures fo propofed or agitated ought to be adopted or carried into execution, or that the fame ought to be fufpended, or wholly rejected, and the feveral other members of fuch council then prefent fhall differ in, and diflent from fuch opinion, the faid governor general, or the prefident of fuch council, and the other members thereof, fhall, and they are hereby directed forthwith mutually to exchange with, and communicate in council to each other in writing, under their refpective hands, (to be recorded at large on their fecret consultations), the refpective grounds and reafons of their refpective opinions; and if,

Directors may appoint commander in chief to be governor general, etc. at *Fort William*; or commander in chief of *Fort Saint George*, or *Bombay*, to be prefident there, etc.

In extraordinary cafes, the governor general, etc. may act without the concurrence of the council.

if, after considering the same, the said governor general, or the said presidents respectively, and the other members of the said council, shall severally retain their opinions, it shall and may be lawful to and for the said governor general in the supreme council of *Fort William*, or for either of the said governors or presidents in their respective councils, to make and declare any order (to be signed and subscribed by the said governor general, or by the governor or president making the same) for suspending or rejecting the measure or question so proposed or agitated, in part or in whole, or to make and declare such order and resolution for adopting and carrying the measure so proposed or agitated into execution, as the said governor general, or the said governors or presidents in their respective councils, shall think fit and expedient; which said last mentioned order and resolution, so made and declared, shall be signed, as well by the said governor general, or the governor or president, so making and declaring the same, as by all the other members of the council then present, and shall be as effectual and valid, to all intents and purposes, as if all the said other members had advised the same, or concurred therein; any thing in the said former act contained to the contrary notwithstanding: and the said members of council, and all officers civil and military, and all other persons concerned, shall be, and they are hereby commanded, authorised, and enjoined to be obedient thereto, and to be aiding and assisting in their respective stations in the carrying the same into execution.

Governor general, etc. to be responsible.

VIII. And be it further enacted, That the said governor general, or the governor or president who shall declare and command any such order or resolution to be made and recorded without the assent or concurrence of any of the other members of council, shall alone be held responsible for the same, and the consequences thereof.

Restriction of the powers given to the governor general, etc.

IX. Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to give power to the said governor general of *Fort William* in *Bengal*, or to either of the said governors or presidents of *Fort Saint George* and *Bombay* respectively, to make or carry into execution any order or resolution which, before the passing of this act, could not have been lawfully made and executed with the concurrence of the councils of their respective governments or presidencies; any thing herein contained to the contrary notwithstanding.

Discretionary powers not to be exercised by any governor general, etc. who shall casually succeed to such office.

X. Provided also, and be it further enacted and declared, That nothing in this act contained shall extend, or be construed to extend, to give any discretionary power or authority of acting or forbearing to act, without the concurrence of the other members of council, unto any person on whom the said office of governor general, or the said office of governor or president, respectively, shall happen to devolve, by the death or resignation of any governor general, governor or president, for the time being respectively, unless such person shall have been provisionally appointed

pointed to fucceed to fuch refpective office by the court of directors of the faid company, or unlefs and until he fhall be afterwards confirmed in the faid office by the faid court; but that, during the time any of the faid offices fhall be fo held and executed by any perfon, on whom the fame fhall have fo cafually devolved, unlefs he fhall have been fo provisionally appointed thereto, or until he fhall be fo confirmed therein as aforefaid, all matters, acts, orders, and refolutions of the refpective council wherein fuch perfons fhall fo prefide, fhall be determined by the majority of the council, in the like manner as if this act had not been made; any thing herein before contained to the contrary notwithstanding.

XI. Provided alfo, and be it enacted, That nothing herein contained fhall intitle the faid governor general of *Fort William* in *Bengal*, or either of the governors or prefidents of *Fort Saint George* and *Bombay*, refpectively, to make or carry into execution any order or refolution without the concurrence of the councils of their refpective governments, in any matter which fhall come under the confideration of the faid governor general and governors or prefidents, and their councils refpectively, in their judicial capacity, or with refpect to the making or repealing or fufpending any general rule, order, or regulation, for the good order and civil government of the faid united company's fettlements, or with refpect to the impofing of any tax or duty within their refpective governments or prefidencies.

Certain cafes in which the new powers fhall not be exercifed by the governor general, &c.

XII. And be it further enacted, That all orders and other proceedings of the faid fupreme council, and of the faid councils of *Fort Saint George* and *Bombay*, refpectively, fhall in future be expreffed to be made by the governor general in council, or by the governor or prefident in council, and not otherwife; and that all the faid orders and proceedings, previous to their being publifhed in the refpective prefidencies, fhall be figned by the chief fecretary to the council of the prefidency, or his deputy for the time being, by the authority of the governor general in council, or the governor or prefident in council; any act or ufage to the contrary notwithstanding.

By whom the orders of the fupreme council, &c. fhall be expreffed to be made.

XIII. And whereas the principle of promotion and advancement intended to be eftablifhed by the faid act, fo far as relates to the civil line of the company's fervice in *India*, may be carried into effect with more convenience to the publick fervice in the manner herein after directed; be it therefore further enacted, That all vacancies, happening in any of the offices, places, or employments, in the civil line of the company's fervice in *India*, (being under the degree of a member of the council), fhall be from time to time filled up and fupplied from amongst the fervants of the faid company belonging to the prefidency wherein fuch vacancies fhall refpectively happen, fubject only to the reftrictions in this act contained, and no otherwife; any thing in the faid former act contained to the contrary notwithstanding.

Vacancies in civil offices how to be fupplied.

XIV. Provided always, and be it enacted, That in the filling up and fupplying fuch vacancies, no office, place, or employment,

Rules to be obferved in filling up fuch vacancies.

ployment, the salary, perquisites, and emoluments whereof shall exceed five hundred pounds *per annum*, shall be conferred upon or granted to any of the said servants, who shall not have been actually resident in *India*, in the company's service, for the space of three years at the least in the whole, antecedent to such vacancy; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed one thousand five hundred pounds *per annum*, the same shall not be granted to or conferred upon any of the said servants who shall not have been actually resident in *India*, in the said service, for the space of six years at the least in the whole, antecedent to such vacancy; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed three thousand pounds *per annum*, the same shall not be granted to or conferred upon any of the said servants, who shall not have been actually resident in *India*, in the company's service, for the space of nine years at the least in the whole; and if the salary, perquisites, and emoluments of any office, place, or employment, shall exceed four thousand pounds *per annum*, the same shall not be granted to or conferred upon any of the said servants, who shall not have been actually resident in *India*, in the company's service, for the space of twelve years at the least in the whole, antecedent to such vacancy; and that all appointments, advancements, and promotions, which shall be made for supplying any such vacancies, other than as aforesaid, shall be null and void.

No person to hold several offices to a greater amount than he is qualified to hold in a single office.

XV. And be it further enacted, That no person shall for the future be capable of taking, in the civil line of the company's service, two or more offices, places, or employments, the joint amount of the salaries, perquisites, and emoluments of which shall exceed in the whole the annual salary, perquisites, and emoluments respectively prescribed in the regulations and restrictions before mentioned; any law or usage to the contrary notwithstanding.

Members of the secret committee to be sworn.

XVI. *And whereas the said court of directors for the time being are, in and by the said recited act, required from time to time, to appoint a secret committee, to consist of any number of the said directors, not exceeding three, for the particular purposes in the said act specified, but no oath of secrecy was thereby provided or directed to be taken by the members of such secret committee;* be it therefore further enacted, That the oath of the members of the said secret committee shall be of the tenor following; (that is to say),

The oath.

I A. B. do swear, That I will, according to the best of my skill and judgement, faithfully execute the several trusts and powers reposed in me as a member of the secret committee, appointed by the court of directors of the united company of merchants of England trading to the East Indies; I will not disclose or make known any of the secret orders or instructions which shall be given, communicated, or transmitted to me by the commissioners for the affairs of India, concerning the levying of war, or the making of peace, or treating or negotiating with any of the native princes or states of India; save only

only to the other members of the faid fecret committee, or to the perfon or perfons who fhall be duly nominated and employed in tranfcribing or preparing the fame refpectively, unlefs I fhall be authorifed by the faid commiffioners to difclofe and make known the fame.

So help me G O D.

XVII. And be it further enacted, That the faid oath fhall be taken and fubfcribed by the prefent members of the faid fecret committee within fourteen days after this act fhall have received his Majefty's affent; and that the future members of the faid fecret committee fhall take and fubfcribe the faid oath, before they fhall refpectively proceed to act in the execution of the powers and trufts to them given by the faid former act, and this prefent act; and the faid oath fhall and may be adminiftered by the feveral and refpective members of the faid committee to each other; and being fo by them taken and fubfcribed, the fame fhall be recorded by the fecretary of the faid court of directors for the time being, amongft the acts of the faid court.

Oath when to be taken.

XVIII. And be it further enacted, That if the faid fecret committee, in the execution of their faid powers and trufts, fhall find it neceffary to employ any perfon in tranfcribing or preparing any fecret difpatches, orders, or inftructions, required to be tranfmitted by them to *India*, under the direction of the faid former act, the faid difpatches, orders, and inftructions, fhall be tranfcribed and prepared, either by the fecretary of the court of directors for the time being, or by the officer called *The Examiner of Indian Correſpondence*, for the time being, and by no other perfon or perfons, unlefs with the approbation and confent of the faid commiffioners for the affairs of *India*, or any three or more of them, for that purpoſe firft had and obtained; and that as well the faid fecretary and examiner, as every other perfon who fhall be intruſted with the tranfcribing or preparing any of ſuch difpatches, orders, or inftructions, fhall, before they fhall refpectively enter upon that duty, take and fubfcribe, before two or more of the members of the faid fecret committee, an oath of ſecrecy, as near unto the tenor and form of the oath herein-before provided, and directed to be taken by the members of the faid fecret committee, as the caſe will admit; and the members of the faid committee, or any two of them, are hereby authorifed and required to frame and adminifter ſuch oath accordingly, and to atteſt the taking and fubfcribing of the fame by the faid fecretary and examiner, and all other perfons who fhall be employed by them as aforeſaid, and to cauſe the fame to be recorded amongft the acts of the faid court of directors.

Secret committee may employ tranſcribers;

who ſhall take an oath of ſecrecy.

XIX. And be it enacted, That this act fhall take place and commencement in *Great Britain*, immediately after this act fhall have received his Majeſty's royal affent; and ſhall take place and have commencement, in the feveral preſidencies aforeſaid.

Commencement of this act.

faid, and in the territories thereunto belonging, from the firft day of *January* one thoufand feven hundred and eighty-feven.

Publick act.

XX. And be it further enacted, That this act fhall be, and fhall be deemed and taken to be, a publick act.

C A P. XVII.

An act for paving, repairing, cleaning, lighting, and watching the ftreets, lanes, ways, paffages, and places, within the town of Tewkesbury, and the precincts thereof, in the county of Gloucefter; for the removal of prefent, and prevention of future, encroachments, nuifances, and annoyances therein; for regulating carts and other carriages, and afcertaining the rates of carriage; and for widening fome part of the freet called Church freet, within the faid town.

C A P. XVIII.

An act for the more eafy and speedy recovery of fmall debts within the town and borough of Deal, and the parifhes of Ripple, Sutton, Northbourne, Great Mongeham, Little Mongeham, Tilmanftone, Betsfanger, Ham, and Sholden, in the county of Kent.

The mayor, jurats, recorder, and common council men of the town and borough of Deal, in the county of Kent, for the time being; and feveral other perfons named commiffioners to hold a court to be ftyled the court of requests in the town and borough of Deal. Commiffioners to hold courts the firft Monday in every month, and three of them to determine all cafes where the demand is under 40s. and above 2s. except for rent where the title may come in queftion, or teftamentary or matrimonial cafes, or any ecclefiaftical matter, or for money won at gaming, or forfeiture on ftatute or bye law, or where no promife or acknowledgment in fix years, with other ufual directions.

C A P. XIX.

An act to amend and render more effectual two acts, made in the fixth year of the reign of Queen Anne, and the thirty-fecond year of the reign of his late majefty King George the Second, for erecting a workhoufe in the town and borough of Plymouth, in the county of Devon; and for fetting the poor on work, and maintaining them there; and for obliging the mayor and commonalty of Plymouth to contribute towards the county rates of Devon; and for applying for the relief of the poor in the faid workhoufe, certain furplus monies which have formerly arifen by the affeffment for raifing the land tax in the faid town; and for granting further power to the guardians of the poor of the town of Plymouth, in the county of Devon.

A private act of 6 Annæ, n^o. 6. recited. Act 32 Geo. 2. c. 59. recited.

C A P. XX.

An act to amend, and render effectual, two acts, of the ninth and fifteenth years of his prefent Majefty, for making and maintaining a navigable canal from the Coventry canal navigation to the city of Oxford.

Act 9 Geo. 3. c. 70. & 15 Geo. 3. c. 9. recited. Power to raife a further fum of 60,000l. by the company of proprietors of the Oxford canal navigation, their fucceffors and affigns at intereft, on the credit of the rates and duties, &c. Arrears of intereft upon the fhare due at Midfummer, 1785, made ftock. Proprietors of fhares to have fuch dividends as the company fhall direct, not exceeding 4l. per cent. per ann. till the canal is completed, and 30,000l. paid off, or 5 per cent. per ann. afterwards. Intereft of the money borrowed to be paid, in preference to dividenda

dividends upon the shares. Interest of the money borrowed by virtue of act 15 Geo. 3. to be first paid. Proprietors may become possessed of one hundred shares each. Power to convey water to the canal from Churchover. The restriction against conveying coals from the canal down the Isis, Charwell, and Thame towards London, varied, and coals, &c. may be carried to Reading.

C A P. XXI.

An act for repairing the highways and bridges in the county of Dumbarton.

The preamble recites that the powers granted by the law in Scotland, relative to highways and bridges, and the services in work and money authorized to be exacted, have been found insufficient to amend and keep in repair the roads and bridges within the county of Dumbarton; therefore it is enacted, That the said county be divided into six districts, viz. Row and Roseneath to meet at Row; Lufs and Aroquhar at Lufs; Dumbarton, Cardross, and Bonhill, at Dumbarton; Kilmarnock at Kirkhouse of Kilmarnock; Old Kilpatrick and New Kilpatrick at Old and New Kilpatrick alternately; Easter and Wester Lenzie at Cumbernauld and Kirkintilloch alternately. All persons in his own right, or in right of his wife, in actual possession, as proprietor or liferenter, of lands in the said county, valued in the cess books at one hundred pounds Scots, valued rent, and the eldest son of every person possessed of two hundred pounds Scots of valued rent, as above, and the provost and eldest baillie of Kirkintilloch, and the baron baillie on the estate of Cumbernauld, one of the guardians and trustees of minors, and the factors or baron baillies of non-resident heritors, appointed trustees to put this act in execution.

C A P. XXII.

An act for the more easy and speedy recovery of small debts within the town and port of Sandwich, and vill of Ramsgate, and the parishes of Minster and Saint Lawrence, in the Isle of Thanet, Walmer Ash next Sandwich, Eafry, Wingham, Staple, Goodnestone next Wingham, Chillenden, Nonnington, Woodnesborough otherwise Winsborow, Eythorne, Word otherwise Worth, Elmestone, Preston next Wingham, Ickham, and Wickhambreux, in the county of Kent.

C A P. XXIII.

An act for the appointment of an additional overseer for the better government of the poor of the parish of Westbury, in the county of Wilts.

C A P. XXIV.

An act for building a new gaol and house of correction for the county of Salop, and the several boroughs, towns corporate, liberties, franchises, and places within the same; and for explaining and amending an act made in the twenty-third year of his present Majesty, intituled, An act for building a new shire hall and guildhall for the county of Salop, and the town of Shrewsbury, in the said county; and for the other purposes therein mentioned.

Justices of the peace of the county, and several boroughs, &c. appointed commissioners, but not to be interested. John Flint treasurer of the county to be treasurer to the commissioners, and Thomas Wingfield clerk of the peace for the county to be clerk to the commissioners, on giving security, and to have salaries, &c. Commissioners may treat for the purchase of lands, and incapacitated persons may treat for the sale of lands. Premises to be conveyed on payment of the purchase-money. In case of defect of title, etc. the sums awarded to be paid into the hands

of the treafurer, for the ufe of the parties interefted. Money paid to any corporation, etc. to be invefted in lands to be fettled to the fame ufes. Mefne profits may be recovered by the party intitled. If the parties neglect to treat, etc. the value to be fettled by a jury; with the ufual claufes for that purpofe. Money to be raifed by rates on the county, for building new gaol and houfe of correction. Affeffors of the land tax to affefs and levy the rate. Rate not more than 3s. in the pound in the whole, nor more than 6d. in the pound in any one year. Monies raifed by this act to be applied firft to pay the expences of the act, and then to put the fame in execution. Commiffioners to caufe a gaol and houfe of correction for the county, boroughs, etc. to be built on or near the garden of Edward Pritchard near the caftle of Shrewfbury. Commiffioners to receive and take propofals, and make contracts for building a new gaol and houfe of correction, and may appoint a furveyor. Sub committees may be appointed. Power to dig materials out of commons and quarries, etc. That the wards and apartments be fo conftituted that the males be feparated from the females, both by night and day, and the debtors, etc. from the felons according to the act, 14 Geo. 3. c. 59. For obtaining a fupply of frefh water, may erect an engine, etc. upon the river Severn. Not to prevent places ufually fupplied with water, from a continuance of fuch fupply, etc. Recompence for damage to land in getting water. For fecuring a free circulation of air, no building, etc. (except fences not more than 5 feet high) to be erected, nor fwine kept within 50 yards of fuch gaol. Materials vefted in the commiffioners. Perfons obfttucting or damaging buildings, etc. to be punifhed. Power to remove prifoners to the new gaol, when completed. For removal of prifoners from other gaols and houfes of correction. After the gaol and houfe of correction is finifhed, and monies due on that account are paid, the commiffioners to pay the balance of their account to the treafurer, etc. to be difpofed of by the juftices at the quarter feflions. Gaol and houfe of correction, when completed, to be infured, and fupported at the expence of the county, etc. No fum to be expended in repairing the gaol, exceeding 5l. without an eftimate. Gaoler's and keeper's accounts to be produced, and fettled at the quarter feflions. Boroughs, etc. not liable to any rate for infuring, etc. the new gaol. Juftices' power over the new houfe of correction, etc. the fame as now. Juftices may appoint an apothecary and vifitors, and report to the feflions the ftate of the gaol, etc. Accidental damages may be repaired by order of a juftice. Gaoler's falary at difcretion of the juftices. No allowance to be made to any perfon incapable of performing the office; except for age and infirmities, at the difcretion of the juftices, not more than 50l. per ann. to be deducted from the falary of the acting perfon. All laws applicable to the purpofes of this act, to be extended to it. Penalties and forfeitures, not otherwife directed, to be recovered by diftreff and fale of goods. Perfons aggrieved may appeal to the quarter feflions. Proceedings not to quafh for want of form, etc. Perfons profecuted may plead the general iffue, and have treble cofts. Actions to commence fix months after the fact is committed. Recital of 23 Geo. 3. c. 20. 1s. 4d. in the pound being found infufficient, the further fum of 1s. in the pound to be raifed. Power for commiffioners to make avenues to the fhire-hall and guildhall in Shrewfbury complete.

C A P. XXV.

An act for obviating all doubts which have arifen, or might arife, with refpect to the exclusive power of the court of directors of the Eaft India company to nominate and appoint the governor general and council of the presidency of Fort William in Bengal.

Preamble.

WHEREAS doubts have arifen whether, on the nomination and appointment of a governor general, or any of the feveral other members

in the Eaft Indies, under and by virtue of an act, paffed in the twenty-fourth year of his prefent Majesty's reign, intituled, An act for the better regulation and management of the affairs of the Eaft India company, and of the Britifh poffeffions in India; and for eftablifhing a court of judicature for the more fpeedy and effectual trial of perfons accused of offences committed in the Eaft Indies, his Majesty's approbation of the fame, under his fign manual, be by law required, therefore, for removing all doubts refpe&ing the fame, may it please your Majesty that it may be declared and enacted; and be it declared and enacted by the King's moft excellent majesty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That his Majesty's approbation of the nomination and appointment of the governor general, and of the feveral other members of the council of the presidency of Fort William in Bengal, is not, nor fhall be neceffary to render fuch appointments refpectively good and effectual in law; and that all nominations and appointments of any fuch governor general, or other member or members of the faid council of Fort William, by authority of the court of directors of the faid company, fince the paffing of the before-mentioned act, were good, valid, and effectual in the law, notwithstanding his Majesty's approbation of the fame was not fignified to the faid company, or to the court of directors of the faid company, under his Majesty's fign manual.

24 Geo. 3.
c. 25.

His Majesty's
approbation
of the ap-
pointment of
governor ge-
neral, etc. of
Fort William
not neceffary.

C A P. XXVI.

An act to amend and render more effectual the feveral laws now in force for encouraging the fisheries carried on at Newfoundland, and parts adjacent, from Great Britain, Ireland, and the Britifh dominions in Europe; and for granting bounties for a limited time, on certain terms and conditions.

WHEREAS the bounties granted to a certain number of veffels employed in the Britifh fishery on the banks of Newfoundland, by an act paffed in the fifteenth year of the reign of his prefent Majesty, intituled, An act for the encouragement of the fisheries carried on from Great Britain, Ireland, and the Britifh dominions in Europe; and for fecuring the return of the fishermen, failors, and others employed in the faid fisheries, to the ports thereof at the end of the fifhing feafon, will expire on the firft day of January, one thoufand feven hundred and eighty-feven: and whereas, at the expiration thereof, it is expedient that new bounties fhould be granted, for a limited time, under certain conditions, limitations, and reftrictions: and whereas it has been found by experience, that feveral of the provifions and regulations contained in the laws now in force for encouraging the fisheries, carried on at Newfoundland, and parts adjacent, are infufficient to answer the good purpofes thereby intended, and that it is requifite that other provifions and regulations fhould be enacted: to that end, be it therefore enacted by

Preamble.
15 Geo. 3.
c. 31.

After Jan. 1,
1787, boun-
ties to be giv-
en to veffels
fitted out
from Great
Britain, etc.
for the New-
foundland
fishery,

qualified, etc.
agreeable to
10 & 11 Gul. 3.
c. 25.

Bounties to
be paid the
firft 100 vef-
fels which
shall arrive
at Newfound-
land with a
cargo of fifh :

ditto to the
fecond 100
veffels which
shall fo arrive.

the King's moft excellent majefty, by and with the advice and consent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That, from and after the firft day of *January*, one thou- fand feven hundred and eighty-feven, the refpective bounties herein-after mentioned fhall be paid and allowed annually, for ten years, to a certain number of fhips or veffels employed in the *British* fishery on the banks of *Newfoundland*, under the limita- tions and reftrictions herein-after expreffed; that is to fay, That fuch veffels fhall appear by their register to be *British*-built, and wholly owned by his Majefty's fubjects refiding in *Great Britain, Ireland*, or the iflands of *Guernsey, Jerfey* or *Man*; and fhall be navigated each with a mafter, and at leaft three fourths of the mariners being *British* fubjects, ufually refiding in his Majefty's *European* dominions; and fhall be in other refpects qualified and fubject to the fame rules and reftrictions as are prefcribed by an act, made in the tenth and eleventh years of the reign of King *William* the Third, intituled, *An act to encourage the trade to Newfoundland*; and fhall be fitted and cleared out from fome port in *Great Britain*, or from the iflands of *Guernsey, Jerfey*, or *Alderney*, after the faid firft day of *January*, one thou- fand feven hundred and eighty-feven, and after that day in each fucceeding year, and fhall proceed to the banks of *Newfound- land*; and having catched a cargo of fifh upon thofe banks, confifting of not lefs than ten thousand fifh by tale, fhall land the fame at any one of the ports on the north, the eaft, or the fouth fide of the ifland of *Newfoundland*, between *Cape Saint John* and *Cape Raye*, on or before the fifteenth day of *July* in each year, and fhall make one more trip, at leaft, to the faid banks, and return with another cargo of fifh catched there, to the fame port: in which cafe, the one hundred veffels which fhall firft arrive at the ifland of *Newfoundland* from the banks thereof, with a cargo of fifh catched there, confifting of ten thousand fifh by tale, at the leaft, and which, after landing the fame at one of the ports within the limits before mentioned in *Newfoundland*, fhall proceed again to the faid banks, and return to the faid ifland with another cargo of fifh, fhall if navigated with not lefs than twelve men each, be intituled to forty pounds each; but if any of the faid one hundred veffels, fo firft arriving as aforefaid; fhall be navigated with lefs than twelve men each, and not lefs than feven, they fhall be intituled to twenty-five pounds each: provided always, That if, in either of the cafes before mentioned, any of the one hundred veffels, fo firft arriv- ing as aforefaid, fhall be wholly navigated by men going out upon fhares, that is to fay, receiving a certain fhare of the pro- fits arifing from the voyage in lieu of wages, fuch of the faid veffels as fhall be fo navigated by not lefs than twelve men each, fhall be intituled to fifty pounds each; and if fo navigated with a lefs number than twelve men, and not lefs than feven, fhall be intituled to thirty-five pounds each. And further, that the one hundred veffels which fhall next fo arrive in order of time,

time, on or before the said fifteenth day of *July* in each year, at the said island, with a like cargo, and shall proceed again to the said banks, and return from thence in the manner herein-before mentioned, shall, if navigated with not less than twelve men each, be intitled to twenty-five pounds each; but if such one hundred vessels, so arriving as aforesaid the next in order of time, shall be navigated each with less than twelve, and not less than seven men, they shall be intitled to eighteen pounds each: provided also, That if, in either of the cases last mentioned, any of the vessels so arriving next in order of time as aforesaid, shall be so navigated wholly by men going out upon shares, that is to say, receiving a certain share of the profits arising from the voyage in lieu of wages, such of the said vessels as shall be so navigated by not less than twelve men each, shall be intitled to thirty-five pounds each; and if so navigated with a less number than twelve men, and not less than seven, shall be intitled to twenty-one pounds each; upon the master or owner of every such vessel respectively producing to the collector or other principal officer of his Majesty's customs, at the port in *Great Britain* from whence such vessel was cleared out, or if cleared out from either of the said islands of *Guernsey*, *Jersey*, or *Alderney*, to the collector, or other principal officer of the customs in some port of *Great Britain*, a certificate, under the hand and seal of the governor of *Newfoundland*, that the master of such vessel had produced to him a certificate, under the hands of the collector and comptroller of the customs at the port from whence such vessel was cleared out, or if cleared out from the islands of *Guernsey*, *Jersey*, or *Alderney*, under the hands of the governor, or deputy governor, and principal officer of the customs there, testifying that such vessel was duly qualified to proceed on such fishery in pursuance of the before recited act, made in the tenth and eleventh years of the reign of King *William* the Third; and that it has been made to appear to his satisfaction, by a certificate under the hand and seal of the naval officer of the district in *Newfoundland* where such fish was landed, or, where there is no naval officer, under the hand and seal of the commander of any of his Majesty's ships stationed there, or of such officer as the governor shall approve, specifying the time of such vessel's arrival in manner before directed, that such vessel was intitled, by the priority and time of her arrival, to one or other of the bounties therein mentioned, as the fact may be; and that the master and mate of such vessel had made oath, before such naval or other officer as aforesaid, that the number of fish taken on the first trip amounted to ten thousand at least by tale; that he had made two trips at least, and that all the fish on both trips were caught on the banks of *Newfoundland* by the crew of such vessel only; which certificate and oath the said governor, and naval or other officer as aforesaid, are hereby impowered and required to grant and administer to the master and mate of such vessel, without fee or reward; and upon delivering up the said certificate to such collector, the respective bounties therein men-

Certificates to be produced to the collector of customs from the governor of Newfoundland of the qualification of ships, etc.

Masters and mates to make oath.

Collectors of customs to pay the bounties.

tioned shall be paid by such collector in such and the like manner, and out of the same funds, as the bounties herein-before mentioned to have been granted by the said recited act, made in the said fifteenth year of the reign of his present Majesty.

Number of mariners belonging to each vessel to be inserted in the certificate of qualification.

II. And be it further enacted by the authority aforesaid, That in each and every certificate of a ship being duly qualified as aforesaid to proceed on the said fishery, there shall be inserted the real number of the mariners then belonging to such vessel, and intended to be employed in the said fishery, distinguishing how many of them are new or green men, and whether they are hired upon shares, or are to receive wages; which facts are to be verified on the oath of the master of the vessel, made or taken before the person who shall grant the said certificate, and who is hereby authorised and required to administer the same, and to insert such facts in such certificate; and if such vessels shall be cleared out from the said islands of *Guernsey*, *Jersey*, or *Alderney*, then such oath shall be taken before a magistrate of the royal court, in the presence of the principal officer of the customs who shall grant such certificate, the whole to be attested by the governor of each of the said islands respectively; on failure whereof, such vessels shall be excluded from the benefit of this act, and shall not be intitled to or receive any of the bounties herein-before granted.

Certificates given and affidavits taken in Newfoundland, when to be transmitted to the governor.

III. And be it further enacted by the authority aforesaid, That the several certificates to be given and affidavits taken in *Newfoundland* as aforesaid, in order to satisfy the said governor of the said island, as to the facts to ground his certificate thereupon, as herein-before directed, for the payment of the said bounties, shall and are hereby required, within the district of *Saint John's* in the said island of *Newfoundland*, to be transmitted to the said governor at *Saint John's*, before the fifteenth day of *September* in each year, and within any other district in the said island before the thirtieth day of *September* in each year, in order that he may perfectly examine the documents, and thoroughly investigate the same, so as to be able clearly and justly to settle the times of the arrivals as aforesaid of the several and respective vessels, and adjust the different bounties, and to whom they are and ought severally to be paid.

Masters of vessels, previous to receiving the bounties to make oath relative to the number of their men returned.

IV. And be it further enacted by the authority aforesaid, That every master of a vessel, entitled to any of the bounties herein-before granted, shall, before he shall receive the same, or any part thereof, make oath before the collector and comptroller, or other chief officer at the port in *Great Britain* where he shall arrive on his return from the said fishery upon the banks of *Newfoundland*, that all the men belonging to his ship who sailed out with him, or a number of men equal thereto, are returned to *Great Britain*, unless any of his crew shall have died at *Newfoundland* or in the said voyage, either on the passage out or return home, or have deserted without his knowledge or consent, or have been shipped in, or on board *British* vessels bound for foreign markets; which facts shall also be verified on oath

oath by every fuch mafter, before the faid officers or officer of the customs, who are refpectively hereby authorifed and required to adminifter the fame.

V. *And whereas, by the faid recited a^ct, made in the fifteenth year of the reign of his prefent Majesty, it is enacted, That no hirer or employer fhall pay or advance to any feaman or fifherman, or either of them, during the time he fhall be in his fervice, more than half the wages which fhall at any time be due to him: and whereas, in the cafe of green men, the advance of one half of the wages may not always be fufficient to fit them out and clothe them for the feafon; be it therefore enacted by the authority aforefaid, That it fhall and may be lawful for the hirer or employer of any fuch green men engaged in the faid fifhery, to advance to any fuch green man, during the time he fhall be in his fervice, a fum not exceeding five pounds ten fhillings, although the fame fhall amount to more than one half of the wages which fhall be due to him, provided a fum equal to the then current price of a man's paffage home, not exceeding forty fhillings for each man, be referved to bear the charge of his return home, as directed by the faid before recited a^ct of the fifteenth year of his prefent Majesty's reign.*

What proportion of their wages fhall be advanced to green men during the time of their fervice.

VI. *And whereas in and by the faid recited a^ct, made in the fifteenth year of his prefent Majesty's reign, it is directed, That in cafe any feaman or fifherman fhall at any time wilfully abfent himfelf from his duty or employ, without the leave and confent of his hirer or employer, or the agent of fuch hirer or employer, or fhall wilfully neglect or refufe to work, according to the true intent and meaning of his contract or agreement, he fhall, for every day he fhall fo abfent himfelf or neglect or refufe to work, forfeit two days pay to fuch owner or employer: and whereas the faid penalties have been found infufficient; be it therefore enacted, That, where any fuch feaman or fifherman fhall fo wilfully abfent himfelf from his duty or employ, without the leave or confent of his hirer or employer, or fhall wilfully neglect or refufe to work, for the fpace of one day, he fhall, for every day he fhall fo abfent himfelf, or wilfully neglect or refufe to work, forfeit any number of days pay not exceeding five, as the faid governor of Newfoundland, or his fuffrogate, may think juft and reasonable; and fuch forfeiture fhall be paid to the hirer or employer of fuch feaman or fifherman, in recompence for the lofs or damage which he may have fuffained by means of, or through fuch abfence, neglect of duty, or refusal to work.*

Penalty on feamen, etc. abfenting themfelves from or neglecting their employ.

VII. *And be it further enacted by the authority aforefaid, That, before any oil or blubber, imported from Newfoundland into Great Britain, fhall be admitted to entry duty-free, the mafter, or other perfon having or taking the charge or command of the fhip or vefTel importing the fame, fhall make oath before the collector, or other chief officer of the customs at the port in Great Britain into which the faid oil or blubber is imported, (who is hereby authorifed and required to adminifter fuch oath,) that the fame, and every part thereof, is really and*

Mafter to be fworn before oil or blubber admitted to entry duty-free.

bona

bona fide the oil or blubber of fish or creatures living in the sea, actually caught and taken on the banks and shores of the island of *Newfoundland*, and parts adjacent, wholly by his Majesty's subjects carrying on the said fishery from his Majesty's *European* dominions, and usually residing in the said dominions; any law, custom, or usage, to the contrary notwithstanding.

A similar oath to be taken relative to seal skins.

VIII. And be it further enacted by the authority aforesaid, That, before any seal skins, imported from *Newfoundland* into *Great Britain*, shall be admitted to entry duty-free, the master, or other person having or taking the charge or command of the ship or vessel importing the same, shall make oath before the collector, or other chief officer of the customs at the port in *Great Britain* into which such seal skins are imported, (who is hereby authorised and required to administer such oath), that the same are really and *bona fide* the skins of seals actually caught and taken on the banks and shores of the said island of *Newfoundland*, and parts adjacent, wholly by his Majesty's subjects carrying on the said fishery from his Majesty's *European* dominions, and usually residing in the said dominions; any law, custom, or usage, to the contrary notwithstanding.

Clause relative to oil, etc. purchased at *Newfoundland* and imported from thence into *Great Britain*.

IX. And be it further enacted by the authority aforesaid, That, in case any oil, blubber, or seal skins, shall be purchased in the said island of *Newfoundland*, or the parts adjacent, and imported into *Great Britain* from thence, the same shall and may be admitted to entry duty-free, provided the master, or other person having or taking the charge or command of the ship or vessel importing the same, shall make oath of all and every the particulars respecting the purchase thereof, before the collector or other chief officer of the customs at the port in *Great Britain* into which such oil, blubber, or seal skins, are imported, (who is hereby authorised and required to administer such oath); and shall produce and deliver to such collector, or other chief officer, a certificate, under the hand and seal of the naval officer of the district in *Newfoundland* where such oil, blubber, or seal skins, were purchased; or if there shall not be any naval officer at such place, then under the hand and seal of the commander of any of his Majesty's ships, stationed there, testifying that oath had been made before him, (who is hereby authorised and required, in such case, to administer the same), by the person or persons who actually caught the fish from which the oil, blubber, or the seals from which the skins mentioned in such certificate was produced or came, that such oil or blubber was really and *bona fide* the oil or blubber of fish or creatures living in the sea, or that such skins were really and *bona fide* the skins of seals, actually caught and taken on the banks and shores of the island of *Newfoundland*, and parts adjacent, wholly by his Majesty's subjects carrying on the said fishery from his Majesty's *European* dominions, and usually residing in the said dominions: and provided such master, or other person having or taking the charge or command of the ship or vessel so importing such oil, blubber, and seal skins, shall also make oath, before

before fuch collector or other chief officer, (who is hereby authorifed and required to adminifter the fame), that the oil, blubber, or feal fkins fo imported, are the fame oil, blubber, or feal fkins, mentioned and referred to in the faid certificate.

X. And be it further enacted by the authority aforefaid, That, upon the importation of any foreign falt into this kingdom from any place from whence, and in the manner in which fuch falt may be legally imported, the importer or proprietor of fuch falt fhall be at liberty to give bond to his Majefty, his heirs and fucceffors, for the payment of the duty commonly called *The Old Subfidy*, and all further fubfidies, imposts, and duties, due and payable to and for the customs upon fuch falt, within the fpace of twelve calendar months from the date of fuch bond, but without any difcount or allowance for prompt payment of the faid duties, or either of them; which bond the collector and comptroller of his Majefty's customs at the port of importation are hereby authorifed to take in his Majefty's name, and thereupon to permit fuch falt to be entered and landed in the ufual manner; and if fuch falt fhall be exported again within the faid fpace of twelve calendar months, the bonds which fhall have been given for the faid duties thereon, fhall be cancelled and difcharged; and in cafe the full duties payable to the customs for fuch falt fhall have been paid at or before the expiration of the faid twelve calendar months, and fuch falt fhall be afterwards exported into foreign parts within the time allowed by law, a drawback of all the faid duties which were fo paid fhall be allowed in the fame manner as the former drawback of the customs upon the exportation of falt was, could, or might be paid; and fuch falt fhall be fubject and liable to the fame rules, regulations, reftrictions, fecurities, penalties, and forfeitures, (except where any alteration is made by this act), as fuch falt was fubject and liable to by any act or acts of parliament in force before the making of this act.

Bond to be given to his Majefty for payment of the old fubfidy, etc. on the importation of falt.

Such bonds to be cancelled, etc. on exportation thereof within 12 months.

XI. And be it further enacted by the authority aforefaid, That it fhall not be lawful to or for any perfon or perfons concerned or employed in carrying on the faid fifhery, or for any feaman or fifherman hired for the purpofe of carrying on the faid fifhery, to ufe, or caufe to be made ufe of, on the fhores of the faid ifland of *Newfoundland*, any fean or net of any kind or defcription whatfoever, for the purpofe of catching cod fifh by hauling fuch fean or net on fhore, or tucking fuch fean or net into any boat or boats, the fcale or melfh of which faid fean or net fhall be lefs in dimension than four inches, under the penalty of forfeiting the fum of one hundred pounds for every fuch offence; which offence may be heard and determined, and the penalty hereby incurred fhall and may be recovered in the court of feflion of the faid ifland, provided that fuch offence be complained of within the fpace of three calendar months after the commiffion of the fame.

Not to ufe any fean or net for catching cod whose melfh is lefs than four inches in dimension.

XII. *And whereas it is effential to the naval ftrength of Great Britain, that the defertion of feamen and fifhermen employed in the fifhery*

fishery of Newfoundland, and the parts adjacent, should be prevented: and whereas, by reason of their superior skill as seamen and fishermen, and as artificers of the implements and utensils necessary to the carrying on of such fisheries, they are, by great temptations, exposed to be seduced into the service and employ of the subjects of foreign states: and whereas the regulations and provisions made in and by an act, passed in the fifteenth year of his present Majesty's reign, hereinbefore mentioned, are not sufficient to prevent the desertion of such seamen and fishermen to the service of the subjects of foreign states; be it therefore enacted by the authority aforesaid, That if any seaman or fisherman, hired or employed in the carrying on of the said fishery, shall desert from the said island of Newfoundland, or from the said fishery, with intent to enter into the service of any foreign state, or of any of the subjects of any foreign state, or shall have in any wise agreed so to absent himself or desert with such intent, or shall have actually entered into such service as aforesaid, it shall and may be lawful to and for the governor of Newfoundland, or his surrogates, or for the judge of the vice admiralty court for the time being, or for any justice of the peace in Newfoundland respectively, to issue his or their warrant or warrants to apprehend such person so deserting, or having agreed to desert as aforesaid, and on the oath or oaths of one or more credible witness or witnesses, to commit him to prison, there to remain until the next court of session which shall be holden in pursuance of the commission of the governor for the time being; and if found guilty of the said offence at such session, that it shall and may be lawful to and for the said court of session to order such deserter as aforesaid to be detained in prison, without bail or mainprize, for any time not exceeding three months, in case he shall have come from his Majesty's European dominions for the purpose of carrying on the fisheries aforesaid.

If any British seaman, etc. shall desert or agree to desert from Newfoundland, with intent to enter into the service of any foreign state, he may be committed, etc.

and sent home:

XIII. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful for such governor, within the space of three months, if he shall see fit, or as soon after as conveniently may be, to cause every such person so having deserted, or agreed to desert, to be put on board a passage ship or vessel, in order to his being conveyed back to the country to which he belonged, and for which the master, or other person having or taking the charge or command of such ship or vessel, shall be paid in manner herein-after mentioned; and every master, or other person having or taking the charge or command of such passage ship or vessel, shall be, and is hereby required to take on board such and so many of such persons as the said governor shall direct, not exceeding four for each one hundred tons of the tonnage of such ship or vessel, and so in proportion for every such ship or vessel under one hundred tons: provided nevertheless, That no person shall be so put on board of any ship or vessel which shall not be of the burthen of forty tons: but if any person or persons convicted of deserting or agreeing to desert as aforesaid, shall not have come from

but if not from his Majesty's Euro-

from his Majesty's *European* dominions for the purpose of carrying on the fisheries aforesaid, then, and in such case, that it shall and may be lawful for the said court of session to commit such person or persons to prison, there to remain, without bail or mainprize, for any time not exceeding twelve calendar months.

pean dominions he may be imprifoned for 12 months.

XIV. *And whereas it is of great importance to the trade, manufacture, and navigation of Great Britain, and of his Majesty's dominions in Europe, that all trade and mercantile intercourse between his Majesty's subjects, residing or carrying on fishery in the island of Newfoundland with the subjects of any foreign state, should be prohibited: and whereas it is essentially necessary to the preservation of the benefits arising from the fishery aforesaid, to prevent the sale of any ships, vessels, or boats, or of the tackle, apparel, or furniture of the same, and of all and all manner of utensils and implements, which are or may be used in catching and curing fish, and also of all articles and commodities of the growth, produce, and manufacture of the said island of Newfoundland, to the subjects of any foreign state, or to any other than the subjects of his Majesty, his heirs and successors, and also to prohibit the purchase of any goods or commodities whatsoever, from the subjects of any foreign state; be it therefore enacted by the authority aforesaid, That it shall not be lawful for any person or persons, residing in or carrying on fishery in the said island of Newfoundland, or on the banks thereof, there to sell, barter, or exchange, any ship, vessel, or boat, of what kind or description soever, or any tackle, apparel, or furniture, used or which may be used by any ship, vessel, or boat; or any seans, nets, or other implements or utensils, used or which may be used in catching or curing fish, or any kind of bait whatsoever used or which may be used in the catching of fish; or any kind of fish, oil, blubber, seal skins, peltry, fuel, wood, or timber, to or with any person or persons whatsoever, other than the subjects of his Majesty, his heirs and successors.*

Fishermen at Newfoundland not to sell or barter any vessel, etc. to or with any foreigner.

XV. *And be it further enacted by the authority aforesaid, That if any person or persons, residing or carrying on fishery in the said island of Newfoundland, shall there sell, barter, or exchange, or cause to be sold, bartered, or exchanged, or shall endeavour to sell, barter, or exchange, or shall be aiding or assisting in selling, bartering, or exchanging, or causing to be sold, bartered, or exchanged, any such ship, vessel, boat, or any tackle, apparel, or furniture, used or which may be used for the purpose of navigating any ship, vessel, or boat; or any seans, nets, or other implements or utensils, used or which may be used in catching or curing fish; or any kind of bait whatsoever used or which may be used in catching fish; or any fish, oil, blubber, seal skins, fuel, wood, or timber, to any person or persons, being the subjects of any foreign state, it shall and may be lawful to and for the governor of Newfoundland, or his surrogates, or for any justice of the peace in Newfoundland, to issue his or their warrant or warrants to apprehend every such offender, and, on the oath of one or more credible witness or witnesses, to com-*

Offenders herein to be committed;

mit him to prifon, there to remain until the next court of feflion which fhall be holden in purfuance of the commiffion of the faid governor for the time being; and all and every fuch perfon or perfons, if found guilty of the faid offence at fuch feflion, fhall forfeit and pay treble the value of the articles fo fold or caufed to be fold, or attempted to be fold as aforefaid, or bartered or taken in exchange, or in the felling, bartering, or exchanging of which, or caufing to be fold, bartered, or exchanged, fuch perfon or perfons was or were aiding or affifting, and the fame fhall be levied of the offender's goods and chattels, by warrant to be granted by the faid court of feflion for that purpofe; and in cafe no goods upon which fuch diftreff can be made fhall be found, then it fhall and may be lawful for the faid court to order fuch perfon or perfons to be punifhed and dealt with in the fame manner as is herein-before directed with refpect to deferters or perfons agreeing to defert.

XVI. *And whereas it is highly injurious to the trade and manufactures of his Majesty's dominions in Europe, that perfons refiding or carrying on fifhery in the ifland of Newfoundland, or parts adjacent, or on the banks of the faid ifland of Newfoundland, fhould be fupplied with any goods or commodities whatfoever by the fubjects of any foreign ftate;* be it therefore enacted by the authority aforefaid, That no perfon or perfons, refiding or carrying on fifhery in the ifland of *Newfoundland*, or parts adjacent, or on the banks of the faid ifland of *Newfoundland*, fhall there purchafe, or take in exchange, or by way of barter, or caufe to be purchafed, or taken in exchange, or by way of barter, or be aiding or affifting in the purchafing, bartering for, or taking in exchange, any goods or commodities whatfoever, from any perfon or perfons being a fubject or fubjects of any foreign ftate; and that every perfon or perfons refiding or carrying on fifhery in the faid ifland of *Newfoundland*, or parts adjacent, or on the banks of the faid ifland of *Newfoundland*, who fhall there purchafe, barter for, or take in exchange, or fhall caufe to be purchafed, bartered for, or taken in exchange, any fuch goods or commodities in manner aforefaid, fhall be apprehended and committed to prifon, and, on due conviction before the court of feflion, fhall forfeit treble the value of fuch goods or commodities fo purchafed, or taken in barter, or exchange, or procured to be purchafed, or taken in barter or exchange, or in the purchafe, barter, or taking of which in exchange, fuch perfon fhall have been aiding or affifting, and the fame fhall be levied of the offender's goods and chattels, by warrant to be granted by the faid court of feflion for that purpofe; and in cafe no goods upon which fuch diftreff can be made fhall be found, then it fhall and may be lawful for the faid court to order fuch perfon or perfons to be punifhed and dealt with in the fame manner as is herein-before directed with refpect to deferters or perfons agreeing to defert.

XVII. Provided always, That nothing herein contained fhall extend, or be conftrued to extend, to hinder or prevent bread,

Such fifhermen not to purchafe any goods of, or to barter with foreigners for the fame.

Offenders to be committed, and to forfeit treble the value of the goods.

Not to extend to the impor-

bread, flour, *Indian* corn, and live stock, from being imported into the said island of *Newfoundland* in certain *British* vessels, in pursuance of an act passed in this present session of parliament.

XVIII. And be it further enacted by the authority aforesaid, That the sum for which the said governor shall agree with the master, or other person having or taking the charge or command of any ship or vessel, for the passage of any person or persons from the said island, to the place or places to which he or they belonged, shall in no case exceed the sum of forty shillings for each person, and shall be paid to the master of such ship or vessel out of the monies which shall arise from forfeitures incurred for any offence committed against this act, or the acts herein-before recited, upon such master producing, to the said court of session, a certificate, under the hand and seal of such governor, of the numbers and names of the persons respectively taken on board by his direction, and of the times they were taken on board respectively, and the several sums agreed to be paid as aforesaid; which sums the court of session are hereby required to cause to be paid to such master, if sufficient funds for that purpose shall remain in the hands of the said court.

XIX. And be it also enacted by the authority aforesaid, That if no sufficient fund for the payment of any sum or sums, so agreed upon as aforesaid, shall remain in the hands of the said court of session, then and in such case every such master, or other person having or taking the charge or command of such ship or vessel, who shall have taken on board any number of persons by order of the governor, in manner herein-before directed, upon producing a certificate under the hand and seal of the said governor, in manner herein-before directed, and making an affidavit at his return, setting forth the time during which he subsisted such person or persons, and that he did not, during that time, want any of his own complement of men, or how many he did want of such complement, and for what time, shall receive from the commissioners of the navy for the time being (who are hereby required to cause the same to be paid) sixpence *per diem* for the passage and provisions of such person or persons from the day of their embarkation homewards to the day of their arrival in *Great Britain*, the said sum of sixpence *per diem* only being deducted for such time and so many persons as he wanted of his complement during his voyage.

XX. And whereas it is enacted, in and by an act passed in the fourth year of his present Majesty's reign, intituled, An act for granting certain duties in the *British* colonies and plantations in *America*; for continuing, amending, and making perpetual, an act passed in the sixth year of the reign of his late majesty King *George* the Second, intituled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America*; for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expences of defending, protecting, and securing the said colonies and plantations; for

tation of bread, etc.

No more than 40s. to be paid for the passage of any person from Newfoundland, etc.

Such payments in case of a deficiency in the fund for that purpose, to be made by the commissioners of the navy.

Recital of 4 Geo. 3. c. 15.

for explaining an act made in the twenty-fifth year of the reign of King Charles the Second, intituled, *An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade*; and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain; *That if any British ship or vessel shall be found standing into, or coming out from, either of the islands of Saint Pierre and Miquelon, or hovering or at anchor within two leagues of the coast thereof, or shall be discovered to have taken any goods or merchandizes on board at either of them, or to have been there for that purpose, such ship or vessel, and all the goods so taken on board there, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer of his Majesty's customs; and the master, or other person having the charge of such ship or vessel, and every person concerned in taking such goods on board, shall forfeit treble the value thereof: and whereas the provisions of the said recited act may not be sufficient to effectuate the good purposes thereby intended, or to prevent the export or sale of ships, vessels, and boats, and of all other the goods and commodities herein-before enumerated and prohibited to be sold to the subjects of any foreign state, or the purchase and import of the goods and commodities of such foreign states; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for all and every officer or officers, having the command of any of his Majesty's ships stationed at the island of Newfoundland, to stop and detain all and every ship, vessel, or boat, of what nature or description soever, coming to, or going from the said island, and belonging to, or in the service or occupation of any of his Majesty's subjects residing in, trafficking with, or carrying on fishery in the island of Newfoundland, parts adjacent, or on the banks of the said island of Newfoundland; which he shall have reason to suspect to be going to, or coming from; the islands of Saint Pierre or Miquelon, for the purposes before mentioned, in any place within the limits of their station, and to detain, search and examine, such ship, vessel, or boat; and that if, upon such search or examination, it shall appear to such officer or officers that there is reasonable ground to believe that such ship, vessel or boat, or any tackle, apparel, or furniture, used, or which may be used, by any ship, vessel, or boat, or any implements or utensils used, or which may be used, in the catching or curing of fish; or any fish, oil, blubber, seal skins, fuel, wood, or timber, then on board of such ship, vessel, or boat, was or were intended to be sold, bartered for, or exchanged, to the subjects of any foreign state, or shall be discovered to have been so sold, bartered for, or exchanged; or if any goods or commodities whatsoever shall be found on board such ship, vessel, or boat, or shall be discovered to have been on board, having been purchased or taken in barter or exchange from the subjects of any foreign state; then, and in every such case, to seize and send back such ship, vessel, or boat,*

Officers of his Majesty's ships stationed at Newfoundland may detain suspected vessels, and search them:

and if any contraband goods are found on board, such vessels and

boat, to the island of *Newfoundland*; and that such ship, vessel, or boat, and such goods and commodities so found on board, shall, upon due condemnation, be forfeited and lost, and shall and may be prosecuted for that purpose, by the officer or officers so seizing the same, in the vice admiralty court of the said island of *Newfoundland*; such forfeiture to be given, one moiety to the said officer or officers, and the other moiety to the governor of *Newfoundland* for the time being, to be applied, under the direction of such governor, in defraying the passages home of such person or persons as by this or any former act are directed to be sent back to the country to which they belong.

goods shall be forfeited.

XXI. And be it further enacted by the authority aforesaid, That, in case any libel, information, or other suit or proceeding whatsoever, shall be commenced and brought to trial, in the court of vice admiralty in the said island of *Newfoundland*, on account of the seizure of any ship, vessel, boat, or goods, for the condemnation of the same, for any of the causes hereinbefore mentioned, wherein a decree shall be pronounced for or in favour of the defendant or defendants, claimer or claimers thereof, and it shall appear to the judge or court, before whom the same shall be tried, that there was a probable cause for seizing the said ship, vessel, boat, or goods, the judge before whom the said cause shall be tried shall certify on the record that there was a probable cause for the seizing of the said ship, vessel, boat, or goods; a copy of which certificate shall be delivered to the prosecutor, under the hands and seals of such judge or judges; and that, in such case, the defendant shall not be entitled to any costs of suit whatsoever, nor shall the person or persons who seized such ship, vessel, boat, or goods, be liable to any action, indictment, or other prosecution, on account of such seizure; and that if any action, indictment, or prosecution, shall be brought or preferred against any person or persons, who shall have obtained such copy of such certificate as aforesaid, in any of his Majesty's courts in *Great Britain*, such copy shall be admitted in evidence on behalf of the defendant or defendants, and shall have the like force and effect as the certificate on record would have had in the case of such action, indictment, or other prosecution, being brought or preferred in the island of *Newfoundland*.

Clause relative to suits in Newfoundland on account of the seizure of vessels, etc.

XXII. And be it also enacted by the authority aforesaid, That if any action, indictment, or other prosecution, shall be commenced and brought to trial against any person or persons whatsoever, on account of the seizure of any such ship, vessel, boat, or goods, wherein a verdict shall be given against the defendant or defendants, if the court or judge before whom such action or prosecution shall be tried shall certify on the record that there was a probable cause of such seizure, that the plaintiff, besides his ship, vessel, boat, or goods, so seized, or the value thereof, shall not be intitled to above two-pence damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined above one shilling.

Plaintiff gaining a verdict shall not be intitled to costs, if there was probable cause of seizure.

XXIII. And it is hereby further enacted by the authority aforefaid, That if any perfon or perfons fhall, at any time or times, be fued or profecuted for any thing by him or them done or executed in purfuanee of, or by colour of this act, or of any matter or thing in this act contained, fuch action or profecution fhall be commenced within the fpace of three months after the offence fhall have been committed; and in cafe the perfon or perfons making fuch feizure as aforefaid fhall have quitted the faid ifland of *Newfoundland* before the expiration of three months from the time of the offence committed, then that fuch action or profecution fhall be commenced within three months after his or their return to *Great Britain*; and fuch perfon or perfons fhall and may plead the general iffue, and give this act and the fpecial matter in evidence for his and their defence, and that the fame was done in profecution and by authority of the faid act: and if it fhall appear fo to have been done, then the court fhall adjudge and decree, or the jury fhall find in the courts of *Great Britain* or *Newfoundland* refpectively, for the defendant or defendants; and if the plaintiff fhall be nonfuit, or difcontinue his action, libel, or other proceedings in the courts of *Great Britain* or *Newfoundland*, after the defendant or defendants hath or have appeared, or if judgement fhall be given upon any verdict or demurrer againft the plaintiff, the defendant or defendants fhall recover treble cofts, and have the like remedy for the fame as the defendant or defendants hath or have in other cafes by law.

XXIV. And be it further enacted by the authority aforefaid, That all and every the fines or penalties inflicted by this act, or by the acts herein-before recited, and to be levied upon the feamen or fifhermen, except thofe for neglect of duty; and that fuch fhips, veffels, or goods, as fhall be feized, condemned, and forfeited as before mentioned, except fuch the diftribution whereof is otherwife directed by this act, fhall be given, one moiety to the informer, and the other moiety to the governor of *Newfoundland* for the time being, to be applied, under the direction of fuch governor, in defraying the paffages home of fuch perfon or perfons as by this or any former act are directed to be fent back to the country to which they belong.

XXV. And be it further enacted by the authority aforefaid, That fo much of the faid recited act of the fifteenth year of the reign of his prefent Majesty, as gives any jurifdiction to the court of vice admiralty for the faid ifland of *Newfoundland* with refpect to enquiring into and determining difputes concerning the wages of any feamen or fifhermen, or any offence committed by any hirer or employer of fuch feamen or fifhermen, or any controversies or differences arifing from their contracts or agreements; fhall be, and the fame is hereby repealed.

XXVI. And be it further enacted by the authority aforefaid, That all and every the claufes, matters, and things in the faid herein before recited acts contained, which are not altered or repealed by this prefent act, fhall continue and remain in full force.

C A P.

C A P. XXVII.

An act for authorising the lord chief baron, and remanent barons of the court of exchequer in Scotland, out of the unappropriated money arising from the forfeited and lately annexed estates in Scotland, to pay a certain sum to the society in Scotland for propagating christian knowledge, for the purposes, and under the conditions therein mentioned.

WHEREAS by an act, made in the twenty-fifth year of the Preamble. reign of his late majesty King George the Second, intituled, An act for annexing certain forfeited estates in Scotland to the 25 Geo. 2. c. crown unalienably, and for making satisfaction to the lawful 41. creditors thereupon; and to establish a method of managing the same, and applying the rents and profits thereof for the better civilizing and improving the *Highlands of Scotland*, and preventing disorders there for the future; *all-and every the lands and estates which were then in the hands of his Majesty by the attainder of Simon late lord Lovat, and certain other persons therein named, were declared to be unalienably annexed to the imperial crown of these realms; and it was declared lawful for his Majesty, his heirs and successors, by commission under the privy seal of Scotland, to authorise commissioners and trustees for managing the said estates, and applying the produce thereof: and whereas his said late Majesty, and his present Majesty, did, in pursuance of the said act, from time to time, by commissions under the said privy seal of Scotland authorise the persons therein severally named as commissioners and trustees to manage the said estates, and apply the produce thereof; and the said commissioners did, among other things in execution of the trust, establish schools in different places in the remote parts of the Highlands of Scotland, and grant annual salaries to the persons appointed teachers in the said schools, payable from the rents and produce of the said forfeited estates: and whereas by an act, passed in the fourteenth year of his present Majesty's reign, intituled, An act to enable his 14 Geo. 3. c. Majesty to grant unto major general Simon Fraser the lands and 22. estate of the late Simon lord Lovat, upon certain terms and conditions, the said act of the twenty-fifth year of his late Majesty was repealed, in as far as related to the estate which formerly belonged to the said Simon late lord Lovat, which was thereby disannexed from the crown, and was afterwards granted by his Majesty to the said major general Simon Fraser: and whereas by an act passed in the twenty-fourth year of his present Majesty's reign, intituled, An act 24 Geo. 3. c. to enable his Majesty to grant to the heirs of the former pro- 57. priators, upon certain terms and conditions, the forfeited estates in Scotland, which were put under the management of a board of trustees by an act passed in the twenty-fifth year of the reign of his late majesty King George the Second, and to repeal the said act, the said act of the twenty-fifth year of his said late Majesty was repealed, in as far as respected the other forfeited estates, besides the estate of the said Simon late lord Lovat; and it was enacted,*

That it should and might be lawful to his Majesty, his heirs and successors, to give, grant, and dispone, to the persons therein named and described, being the representatives of the persons who forfeited the said several forfeited estates, upon their severally paying into the court of exchequer in Scotland the several and respective sums of money in the said act mentioned at the times therein specified; and certain sums, part of the money so directed to be paid into the said court of exchequer, were appropriated by the said act for the purposes and to the use of the persons and societies therein mentioned; and it was enacted, That in case the sums to be paid into the said court, in consideration of the said annexed forfeited estates being restored, should not be exhausted by the several applications or appropriations in the said act specified, the balance of the money so to be paid in should remain under the care of the said court of exchequer in Scotland, to be lodged in one or other of the publick banks, or publick funds, subject to the future disposition of parliament: and whereas no provision was made by the said act for continuing the schools in the remote parts of the Highlands of Scotland, which were established by the commissioners and trustees of the said forfeited estates, or for continuing the salaries of the teachers of the said schools, whereby, and unless provision is now made, the good effects of such establishments will be lost to the publick, and a number of industrious and well deserving persons, who have for many years been teachers of the said schools, will be reduced to distress and indigence: and whereas the society in Scotland for propagating christian knowledge incorporated by royal charter, did lately present a memorial to the lords commissioners of his Majesty's treasury, representing the state of the said established schools, and particularly that the salaries of the teachers did amount in whole to the annual sum of two hundred and ninety-nine pounds, fourteen shillings: that it appeared to the society, that certain of the said schools, the salaries of the teachers whereof amounted to the yearly sum of one hundred and thirteen pounds, might be discontinued: that certain other of the said schools might be discontinued after the deaths of the present teachers, whose salaries amounted to the annual sum of forty-eight pounds, and who must be reduced to beggary if deprived of their salaries; and that the remaining number of the said established schools ought to be continued, videlicet, the schools established at Strelitz, Craigniech, Glenartney, and Lochearnside, upon the estate of Perth; the school established at Strathyre, upon the estate of Arnprior; the school established at Lochgary; the schools established at Kinlochrannoch, Finnart, Glenorchty, and Camagren, and Carrie, upon the estate of Strowan; the schools established at Kinlocharkaig, Mamore, and Strathlochie, upon the estate of Lochiel; the school established at Clunie; the school established at Corgach, upon the estate of Cromarty; and the school established in the island of South Uist; the salaries of the teachers of which schools amounted to the annual sum of one hundred and thirty-eight pounds, fourteen shillings: that as the principal object of the said society was to establish and superintend schools in the Highlands of Scotland, they conceived it might be proper to commit to them the care of such of the schools established by the late commissioners of the annexed estates, as it was thought proper

Society for propagating christian knowledge in the highlands presented a memorial to the treasury.

to continue; but as the society had gone the utmost lengths their funds would allow in paying the salaries of the teachers of one hundred and eighty-three schools by them established, they could not undertake the burden of more without a reasonable allowance being made by the publick; and that, upon such allowance, the society would engage to pay the salaries of the teachers appointed by the late commissioners before mentioned as amounting to forty-eight pounds yearly, during the lives of the present teachers, and to continue the schools mentioned in the said memorial and above as proper to be continued, and pay the salaries of the teachers thereof in time coming, according to the regulations of the society: and whereas the said proposal is reasonable and beneficial to the publick, and the said society merit encouragement for their laudable endeavours to promote virtue, loyalty, and industry in the inhabitants of the Highlands; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the lord chief baron, and remanent barons of his Majesty's court of exchequer in Scotland, or any three of them for the time being, and they are hereby directed and required, as soon as there is a sufficient sum paid into the said court from the money directed by the said act passed in the twenty-fourth year of his present Majesty's reign, to be paid by the persons to whom the several forfeited, and lately annexed estates are to be restored or granted, over and above what shall satisfy the purposes and appropriations by the said act specially directed, and before any other purpose or appropriation, to pay, or cause to be paid, into the hands of the treasurer or cashier of the said incorporated society in Scotland for propagating christian knowledge, or into the hands of any other person or persons whom the said society shall appoint to receive the same, for the use of the said society, the sum of two thousand five hundred pounds lawful money of Great Britain, free of all deductions whatsoever; and the receipt or receipts of the said treasurer or cashier, or of the person or persons so to be appointed by the society, for the said sum of two thousand five hundred pounds, or for any part thereof, shall be a sufficient voucher to the barons for the sum or sums thereby acknowledged to be received, and be taken as evidence of their having issued and expended so much of the money paid into court in pursuance of the said act, in all cases whatsoever; and for that purpose the said barons, or any three of them, shall, from time to time, issue their warrants to the banks, or to the person or persons in whose hands the said money shall happen to have been lodged or deposited after being paid into court as aforesaid.

II. Provided always, That at or before paying the said sum to the said society, the barons of the said court of exchequer shall take from the said society such obligation or engagement in writing, under their seal, as shall appear to the said barons, or any three of them, necessary and proper for the said society's paying, or continuing to pay, the salaries to the teachers intend-

Barons of exchequer in Scotland to pay to the treasurer of the society the sum of 2,500l.

Barons of the said court to take from the society an obligation for continuing to pay the salaries of teachers during their lives.

Anno viceſimo ſexto GEORGII III. C. 28 — 31. [1786.
ed to be paid to them during their reſpective lives, as is above
mentioned, and for their continuing and keeping up the ſchools
intended as aforeſaid to be kept up, and for their paying the
proper and uſual ſalaries to the teachers preſent and to come of
the ſaid ſchools.

C A P. XXVIII.

An act for providing a proper workhouſe, and better regulating the
poor, within the pariſh of Romford, in the liberty of Havering Atte
Bower, in the county of Eſſex. — May borrow 3,500l. at intereſt, and
pay off 100l. per ann.

C A P. XXIX.

An act to enable his Majeſty to licence a play-houſe within the town
and port of Margate, in the iſle of Thanet, in the county of Kent,
under certain reſtrictions therein limited. — May act from June 15,
to the laſt day of October, yearly.

C A P. XXX.

An act to enable the company of proprietors of the Coventry canal
navigation to complete the ſaid canal to Fradley Heath, in the county
of Stafford; and for other purpoſes therein mentioned.

Coventry company impowered to borrow a further ſum of 40,000l. and
to aſſign the navigation as a ſecurity. Mortgages to be regiſtered, and
may be aſſigned. Intereſt of the money borrowed to be paid prior to
any dividends to the company; and may be paid out of the principal,
until the canal is completed. Dividends limited to 3 per cent. till the
canal is completed. Proprietors may become poſſeſſed of thirty ſhares.

C A P. XXXI.

*An act for veſting certain ſums in commissioners, at the end of every
quarter of a year, to be by them applied to the reduction of the
national debt.*

Moſt gracious Sovereign,

Preamble.

WHEREAS by ſeveral acts of parliament, heretofore made
and paſſed, it was enacted, That all the monies which at the
end of any quarter of a year ſhould or might ariſe from the reſpective
ſurpluſſes, exceſſes, and overplus monies of the ſeveral publick funds in
the ſaid acts deſcribed, ſhould be appropriated, reſerved, and employed
as a ſinking fund, to and for diſcharging the principal and intereſt of
the national debts and incumbrances, and to or for no other uſe, intent,
or purpoſe whatever: and whereas, for the want of ſufficient provi-
ſions for the conſtant application of the ſaid monies, according to the
true intent of the ſaid acts, the good purpoſes thereof have not been
fulfilled: and whereas, by the great increaſe of the national debt, it is now
become neceſſary to eſtabliſh a permanent plan for the reduction of the
ſame: we, your Majeſty's moſt dutiful and loyal ſubjects, the
commons of Great Britain in parliament aſſembled, being de-
ſirous of making a laſting proviſion for the maintenance of
the publick credit, do moſt humbly pray your Majeſty that it
may be enacted; and be it enacted by the King's moſt excellent
majeſty,

majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That at the end of the two quarters of a year, which will end on the fifth day of *July* and the tenth day of *October*, respectively, in the year one thousand seven hundred and eighty-six, and at the end of every quarter of a year, ending the fifth day of *January*, the fifth day of *April*, the fifth day of *July*, and the tenth day of *October*, respectively, in every succeeding year, there shall be issued or set apart at his Majesty's receipt of exchequer, pursuant to the several acts in that behalf made and provided, out of the surplusses, excesses, and overplus monies composing the aforesaid sinking fund, a sufficient sum to make good, to the day on which such quarter shall end, all such interests or annuities, or parts of interests or annuities, or deficiencies of funds provided for the payment of interests or annuities, as shall be specially charged on the said sinking fund; and that after such sum shall have been so issued or set apart, there shall then be farther set apart, in the said receipt of exchequer, out of the surplusses, excesses, and overplus monies composing the said sinking fund, a sum of two hundred and fifty thousand pounds, or such part thereof as the said surplusses, excesses, and overplus monies then remaining in the said receipt of exchequer shall be sufficient to satisfy.

250,000l. to be set apart quarterly out of the surplusses of the sinking fund, etc.

II. And be it further enacted by the authority aforesaid, That if at the end of any such quarter of a year, after issuing or setting apart the sums necessary to make good to the day on which such quarter shall end, all such interest or annuities, or parts of interests or annuities, or deficiencies of funds provided for the payment of interests or annuities, as shall be specially charged on the said sinking fund, there shall not remain in the receipt of his Majesty's exchequer, monies, arising out of the surplusses, excesses, and overplus monies composing the said sinking fund, sufficient to provide for the payment of the before-mentioned sum of two hundred and fifty thousand pounds, the amount of the deficiency shall be carried forward as a charge on the monies which shall remain in the receipt of his Majesty's exchequer out of the said surplusses, excesses, and overplus monies, after issuing or setting apart the sums herein-before directed to be previously issued or set apart, at the end of the next and every other succeeding quarter in the same year, until such deficiency shall have been made good, every such year being computed from the fifth day of *January* to the fifth day of *January* following.

How to proceed in case of a deficiency in the said surplusses.

III. And be it further enacted by the authority aforesaid, That all monies which shall remain in the receipt of his Majesty's exchequer, out of the said surplusses, excesses, and overplus monies, at the end of any quarter of a year ending as aforesaid, or at the end of any year computed as aforesaid, after issuing or setting apart the several sums herein-before directed to be previously issued or set apart, shall be applied to the above-mentioned purposes in the order following; (that is to say),

Surplusses remaining (after former incumbrances provided for) how to be applied.

That at the end of any quarter of a year ending as aforesaid, the said monies shall first be applied to make good any deficiency or deficiencies (if any such there shall have been) in the payment of the sum of two hundred and fifty thousand pounds, due at the end of any preceding quarter or quarters of a year within the same year, computed as aforesaid, in the order in which such deficiency or deficiencies shall have arisen; and that so much of the said monies as shall remain in the receipt of his Majesty's exchequer at the end of any such quarter of a year, after such deficiency or deficiencies shall have been so made good, shall be applied to the payment of the sum of two hundred and fifty thousand pounds due at the end of such quarter, or to the payment of such part thereof as the same shall be sufficient to satisfy.

Deficiencies at the end of any year to be made good out of the supplies granted the same year.

IV. Provided always, and be it enacted by the authority aforesaid, That if at any time it should happen, that at the end of the year ending the fifth day of *January*, one thousand seven hundred and eighty-seven, or at the end of any future year, computed as aforesaid, after provision shall have been made for all payments for which monies are previously to be set apart or issued according to the directions of this act, the said surplusses, excesses, and overplus monies, composing the sinking fund, shall not be sufficient to make good as well all such deficiencies as shall have arisen during such year, as the payment of the sum of two hundred and fifty thousand pounds then due, in every such case, the amount of such deficiency or deficiencies, whether the same shall have arisen in any preceding quarter or quarters within such year, or in the quarter ending on the fifth day of *January* on which such year shall end, shall not be carried forward as a charge on the said sinking fund at the end of the next succeeding quarter, but shall be made good out of any aids or supplies which shall be or shall have been granted by parliament for the service of the then current year; and the amount of such deficiency or deficiencies so to be made good, shall be issued to the governor and company of the bank of *England*, in the manner herein-after directed, within ten days after monies sufficient to answer the same shall have been paid into his Majesty's receipt of exchequer, on account of any such aids or supplies.

The monies set apart quarterly, to be paid into the bank;

V. And be it further enacted by the authority aforesaid, That the monies so set apart, at the end of any quarter of a year ending as aforesaid, or of any year computed as aforesaid, either for the payment of the sum of two hundred and fifty thousand pounds due at the end of such quarter, or of any part thereof, or for making good such deficiency or deficiencies as aforesaid, shall forthwith be issued and paid to the governor and company of the bank of *England*, and shall by them be placed to an account to be raised in their books, and to be intituled, *The account of the commissioners appointed by act of parliament for applying certain sums of money annually to the reduction of the national debt*: and that as well all such monies, as any other monies

and to be applied in reducing the national debt.

nies

nies which fhall be paid to the governor and company of the bank of *England* by virtue of this act, to be placed to the faid account, fhall be applied by the commissioners herein-after appointed towards the reduction of the national debt, in the manner herein-after directed, and to no other intent or purpofe, and in no other manner whatever.

VI. And be it enacted by the authority aforefaid, That it fhall not be lawful for the officers of the receipt of his Majefty's exchequer to fet apart or iffue, out of the monies compofing the finking fund, at the end of any quarter, any fum or fums of money, for any fervice whatever, other than as in this act is provided, until the fum or fums which are directed by this act to be paid to the governor and company of the bank of *England*, on account of the faid commissioners, fhall have been fet apart or iffued as aforefaid; and that in like manner it fhall not be lawful for the officers of the receipt of his Majefty's exchequer, after the fifth day of *January* in any year, to iffue any fum or fums of money for any fervice whatever, out of any monies which fhall then remain in the receipt of his Majefty's exchequer from any aids or fupplies granted for the fervice of the current year, or out of any monies which fhall be received into the exchequer after the faid fifth day of *January*, from fuch aids or fupplies, until the fum or fums (if any fuch there fhall be) which fhall be payable by virtue of this act to the governor and company of the bank of *England*, on account of the faid commissioners, out of the faid aids or fupplies, fhall have been fet apart or iffued as aforefaid.

Officers of the exchequer re-
trained relative to the iffuing the produce of the finking fund.

VII. And be it further enacted by the authority aforefaid, That fuch part of the principal or capital ftock of fuch publick annuities as fhall be redeemed or paid off by virtue of this act, in the manner herein-after directed, fhall be transferred to the accompt of the faid commissioners, in the books of the governor and company of the bank of *England*, of the governor and company of merchants of *Great Britain* trading to the *South Seas* and other parts of *America*, or of the united company of merchants of *England* trading to the *East Indies*, refpectively, as the cafe may be; and that the dividends payable thereon fhall, from time to time, be received by the governor and company of the bank of *England*, and be placed to the account of the faid commissioners.

To whom the redeemed ftock fhall be transferred.

VIII. And be it further enacted by the authority aforefaid, That whenever any of the following publick annuities fhall ceafe and determine, by the expiration of the terms for which they were refpectively granted; (that is to fay), the annuities granted for one, two, and three lives, and charged, by an act of the fifth of King *William* and Queen *Mary*, upon two fevenths of a nine fhillings *per barrel* excife; the annuities granted for one, two, and three lives, by the acts of the fecond and third of Queen *Anne*, and for ninety-nine years, by one other act of the third and fourth of Queen *Anne*, and charged upon the three thoufand feven hundred pounds *per week* excife by the faid act; the

When any of the herein recited annuities fhall ceafe, by the expiration of the terms for which they were granted,

the annuities granted for ninety-nine years, by an act of the fourth of Queen *Anne*, and charged upon an addition of nine shillings *per barrel* excise, and of an addition of one third of the subsidy of tonnage, established by an act of the ninth of King *William the Third*; the annuities granted for ninety-nine years, by an act of the fifth of Queen *Anne*, and charged upon the duties on hawkers and pedlars, stamp duties on vellum, parchment and paper; and the annuities established by an act of the sixth of Queen *Anne*, for ninety-nine years, and charged upon the surplus of the duties granted for payment of the annuities established by the two former acts of the fourth and fifth of Queen *Anne*; and the annuities established for ninety-nine years, granted by one other act of the sixth of Queen *Anne*, and charged upon a further additional half subsidy of tonnage by the said act; and the several annuities on single lives, granted by an act of the eighteenth of King *George the Second*, and charged upon the duties on wines imported, by the said act; the annuities on single lives, granted by an act of the nineteenth of King *George the Second*, and charged on the duties on glass and spirituous liquors by the said act; and the annuities on single lives, granted by an act of the thirtieth of King *George the Second*, and charged on the duties on stamped vellum, parchment, and paper, and by a subsequent act charged on the sinking fund; and certain annuities granted for annuities on lives, with the benefit of survivorship, by an act of the fifth of King *George the Third*, and charged upon the sinking fund; and the annuities on single lives, granted by an act of the eighteenth of King *George the Third*, and charged upon the duties on wines and inhabited houses by the said act; and the annuities on lives, granted by an act of the nineteenth of King *George the Third*, and charged upon an additional duty of five pounds *per centum* excise, five pounds *per centum* additional subsidy on customs, tax on post horses, and on stamp duties, established by the said act; and the several and respective annuities granted for ninety-nine years, from the fifth day of *January*, one thousand seven hundred and sixty-one; for ninety-eight years, from the fifth day of *January*, one thousand seven hundred and sixty-two, consolidated and charged on the sinking fund by an act of the fourth of King *George the Third*; the annuities granted for eighty years, from the fifth day of *January*, one thousand seven hundred and eighty, by an act of the twentieth of King *George the Third*, and charged on the duties on wines and salt, and on sundry other duties established by the said act; the annuities established by an act of the twenty-second of King *George the Third*, for seventy-eight years, from the fifth day of *January*, one thousand seven hundred and eighty-two, and charged on the duties on tobacco, snuff, salt, and sundry other duties granted by the said act; the annuities granted for seventy-seven years, from the fifth day of *January*, one thousand seven hundred and eighty-three, by an act of the twenty-third of King *George the Third*, and charged upon stamp duties on bills of exchange,

receipts,

receipts, and fundry other duties granted by the faid act; and the annuities granted for feventy-five years and fix months, from the fifth day of *July*, one thousand feven hundred and eighty-four, by an act of the twenty-fourth of King *George* the Third, and charged upon additional duties on candles, bricks, and tiles, and fundry other duties granted by the faid act; the annuities granted for thirty years, from the fifth day of *January*, one thousand feven hundred and feventy-eight, and, by an act of the eighteenth of King *George* the Third, charged upon the duties on wines and inhabited houles by the faid act; the annuities granted for twenty-nine years, from the fifth day of *January*, one thousand feven hundred and feventy-nine, and, by an act of the nineteenth of King *George* the Third, charged upon an additional duty of five pounds *per centum* excife, five pounds *per centum* fubfidy, tax on poft horfes, and ftamp duties on paper, by the faid act; and the annuities granted by an act of the feventeenth of King *George* the Third, for ten years, from the fifth day of *April*, one thousand feven hundred and feventy-feven, and charged upon the finking fund; in every fuch cafe, all duties which fhall be applicable to the payment of fuch annuities, by virtue of any act or acts of parliament, fhall continue to be levied and collected, and fhall continue to be applied to fuch payment, in the fame manner, and under the fame regulations refpectively, to all intents and purpofes whatever, as the fame were levied, collected, and applied immediately before the determination of fuch annuities refpectively; and that from and after the determination of fuch annuities, the monies now payable thereon fhall be iffued, from time to time, to the governor and company of the bank of *England*, and fhall be placed to the account of the faid commiffioners

the duties applicable to the payment thereof fhall continue to be levied,

and the monies payable thereon fhall be iffued to the bank, &c.

IX. Provided always, and be it further enacted by the authority aforefaid, That fo foon as any part of the principal or capital ftock of any publick annuities, or fo foon as any annuities for lives or years fhall have been placed, as herein-before directed, to the account of the faid commiffioners, no fum or fums of money fhall thenceforth be iffued or paid for or on account of the charges of management of fuch ftock or annuities.

When any ftock fhall be placed to the account of the commiffioners, no money fhall be iffued for the management thereof. Monies placed to the account of the commiffioners to be applied in redemption of annuities at or above par, &c.

X. And be it further enacted by the authority aforefaid, That all monies whatever, which fhall be placed from time to time to the account of the faid commiffioners by virtue of this act, fhall be applied by them either in payments for the redemption of fuch redeemable publick annuities as fhall be at or above par, in fuch manner and at fuch periods as fhall be directed by any future act or acts of parliament, or to the purchafe of any publick annuities below par in the manner herein-after directed.

XI. And be it further enacted by the authority aforefaid, That all monies whatever which fhall be placed from time to time to the account of the faid commiffioners, by virtue of this act, which fhall not be directed by any future act or acts of parliament to be applied in payment for the redemption of any redeemable

More particular application of the monies to be placed to the account of the commiffioners.

deemable publick annuities at or above par, shall be applied by the said commissioners in payments for the purchase of publick annuities below par, in the following manner; (that is to say,) That all monies so to be applied, which shall have been placed to the account of the said commissioners between the fifth day of *April* in any year, and the first day of *May* then next ensuing, shall be applied to the purchase of such annuities, in equal portions, as nearly as may be, on every day (*Saturdays* and *Mondays* excepted) on which the same shall be transferable, between the said first day of *May* and the first day of *August* then next ensuing; and in like manner, the sums so to be applied, which shall have been placed to the account of the said commissioners, between the end of any such quarter and the first day of the calendar month which shall commence next after the end of such quarter, shall be applied to the purchase of such annuities, in equal portions, as nearly as may be, on every day (*Saturdays* and *Mondays* excepted) on which the same shall be transferrable, between the said first day of the calendar month which shall commence next after the end of such quarter, and the first day of the calendar month which shall commence next after the end of the quarter next ensuing.

Directions for the commissioners when there are no annuities below par.

XII. Provided always, and be it further enacted by the authority aforesaid, That if at any time it shall happen that there shall be no subsisting publick annuities below par, and that the necessary measures shall not have been previously taken by parliament, to enable and direct the said commissioners to apply the monies, which shall have been placed to their account (by virtue of this act) to the redemption of any subsisting publick annuities which shall then be at or above par, the said commissioners are hereby authorized and required to apply the said monies to the purchase of any subsisting publick annuities at or above par, in the same manner, and under the same regulations and restrictions, as are herein-before provided with respect to the purchase of publick annuities below par.

Commissioners empowered to subscribe towards any future publick loan, &c.

XIII. Provided also, and be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, if they shall think it expedient, at any time between the end of any quarter and the first day of the calendar month which shall commence next after the end of such quarter, to subscribe any of the monies which shall have been placed to their account at the end of such quarter; and also all such monies as shall be to be placed to their account, by virtue of this act, during the remainder of the then current year, computed as by this act directed, towards any publick loan, to be raised by virtue of any future act or acts of parliament, by such annuities as are herein-after mentioned, that is to say, perpetual annuities, subject only to redemption at par, for which the sinking fund shall be collateral security: provided always, That the capital stock of such annuities so to be granted shall bear the same rate of interest with some capital stock of redeemable publick annuities then subsisting; and that the amount of the capital

tal ſtock to be given for every ſum of one hundred pounds, ſo to be ſubſcribed, ſhall be eſtimated according to the market price of ſuch ſubſiſting ſtock at the time of ſuch ſubſcription.

XIV. And be it further enacted by the authority aforeſaid, That the ſpeaker of the houſe of commons, the chancellor of his majeſty's exchequer, the maſter of the rolls, the accountant general of the court of chancery, and the governor and deputy governor of the bank of *England*, for the time being reſpectively, ſhall be commiſſioners for carrying into execution the purpoſes of this act; and that all powers and authorities, which the ſaid commiſſioners are or may be enabled or required to exerciſe, by the preſent or any future act or acts of parliament, ſhall and may be exerciſed by any number, not leſs than four, of the ſaid commiſſioners.

Who ſhall be
commiſſion-
ers.

XV. And be it further enacted by the authority aforeſaid, That the ſaid commiſſioners ſhall be, and they are hereby authorized to appoint and employ ſuch clerks and other officers as ſhall be neceſſary; and that all proceedings whatever, to be had by or before the ſaid commiſſioners, ſhall be entered in proper books.

Commiſſion-
ers may em-
ploy clerks,
etc.

XVI. And be it further enacted by the authority aforeſaid, That the order of the ſaid commiſſioners ſhall at any time be a ſufficient authority to the governor and company of the bank of *England*, for iſſuing and paying any part of the money to be veſted in the ſaid commiſſioners, in the manner herein directed; and ſuch perſon or perſons as ſhall, from time to time, be nominated and appointed by the ſaid commiſſioners, to make the purchaſes of publick debts and annuities, on the account of the ſaid commiſſioners, for the uſe of the publick, and for the purpoſes of this act, is and are hereby authorized and enabled to accept the transfer of any ſtock or annuities to be purchaſed in the manner herein-before directed, and to make the payments for the ſame to the perſons from whom the ſame ſhall be purchaſed, and to give or accept all the neceſſary receipts and acquittances on the part of the ſaid commiſſioners: provided always, That ſuch nomination and appointment ſhall, from time to time, be notified to the governor and company of the bank of *England*, under the hands of the ſaid commiſſioners.

The bank to
pay ſuch mo-
ney veſted in
the commiſ-
ſioners as ſhall
be ordered by
them, etc.

XVII. And it is hereby further enacted by the authority aforeſaid, That an account ſhall be made up to the firſt day of *February* in every year, by the governor and company of the bank of *England*, of all ſums whatever which ſhall have been paid to the ſaid governor and company, or carried in their books to the account of the ſaid commiſſioners, for the purpoſes of this act; and alſo of all ſums of principal or capital ſtock of publick annuities, which in purſuance of this or any other act, within the year comprehended in the ſaid account, ſhall have been purchaſed, redeemed, or paid off by the ſaid commiſſioners, together with the intereſt accruing thereupon; and alſo of the annual amount and particulars of any annuities for lives or years, the terms of which ſhall have expired within the ſaid year, to

The bank to
make up their
account with
the commiſ-
ſioners annu-
ally;

which shall be laid before parliament.

the fifth day of *January* in every year after the paffing of this act; which account the faid governor and company are hereby required to lay before both houfes of parliament on or before the fifteenth day of *February* immediately following, if parliament fhall be then fitting; and if parliament fhall not be then fitting, then within fourteen days after the commencement of the then next feflion of parliament.

Commissioners to lay an account of their proceedings before parliament;

XVIII. And be it enacted by the authority aforefaid, That a fimilar account of all the faid feveral particulars, and for the fame periods, fhall alfo be prepared and laid before both houfes of parliament, within the fame period, by the faid commissioners, together alfo with an account of the times of their purchafing, redeeming, and paying off any parts of the publick debts and annuities, and an account of the feveral prices paid for the fame, and of the whole expence attending the execution of the powers vefted in them by this act.

and before the commissioners for auditing publick accounts.

XIX. Provided always, and be it enacted by the authority aforefaid, That duplicates of the faid accounts fhall be laid, at the fame time, before the commissioners for auditing the publick accounts; and the faid commissioners for auditing the publick accounts are hereby authorized and required to proceed to the examination thereof immediately after the end of the feflion of parliament in which fuch account fhall have been fo laid before the two houfes of parliament; after which examination by the faid commissioners for auditing the publick accounts, fuch account fhall be further proceeded upon, and finally determined, to all intents and purpofes, in like form and manner as is and by law ought to be praftifed in the cafe of accounts for monies iflued at the receipt of his Majefty's exchequer, by way of impreft, and upon account.

When the fum annually receivable by the commissioners fhall amount to 4,000,000l. the dividends due on ftock paid off by them, etc. fhall be confidered as redeemed by parliament.

XX. And be it further enacted by the authority aforefaid, That whenever the whole fum annually receivable by the faid commissioners, including as well the quarterly fum of two hundred and fifty thoufand pounds herein-before directed to be iflued from the exchequer, as the feveral annuities and dividends of ftock to be placed to the account of the faid commissioners in the books of the governor and company of the bank of *England*, by virtue of this act, fhall amount in the whole to four millions annually, the dividends due on fuch part of the principal or capital ftock as fhall thenceforth be paid off by the faid commissioners, and the monies payable on fuch annuities for lives or years as may afterwards ceafe and determine, fhall no longer be iflued at the receipt of his Majefty's exchequer, but fhall be confidered as redeemed by parliament, and fhall remain to be difpofed of as parliament fhall direct.

Penalty on forging any certificate, etc. made by virtue of this act.

XXI. And be it further enacted by the authority aforefaid, That if any perfon or perfons fhall forge or counterfeit, or caufe or procure to be forged or counterfeited, or fhall wilfully act or affift in the forging or counterfeiting any certificate or certificates, order or orders, made forth by virtue of this prefent act, or alter any number, figure, or word therein, or prefent for payment,

ment, utter, vend, barter, or difpofe of any fuch forged, counterfeit, or altered certificate or certificates, order or orders, (knowing the fame to be forged, counterfeit, or altered), then, and in every fuch cafe, all and every fuch perfon and perfons, being thereof convicted in due form of law, fhall be adjudged a felon, and fhall fuffer death as in cafes of felony, without benefit of clergy.

XXII. And be it further enacted by the authority aforefaid, That the cashier or cashiers of the governor and company of the bank of *England* fhall give fecurity, to the good liking of the faid commiffioners, for duly performing the truft hereby in him or them reposed. Cashiers of the bank to give fecurity.

XXIII. Provided always, and be it enacted by the authority aforefaid, That out of any aids or fupplies which fhall be granted for the fervice of each year, the lord high treafurer, or the commiffioners of his Majefty's treafury, for the time being, fhall have power to difcharge all fuch incidental charges, not hereby otherwife provided for, as fhall neceffarily attend the execution of this act, in fuch manner as to them fhall feem juft and reafonable, and alfo to fettle and appoint fuch allowances as fhall be proper, for the fervice, pains, and labour of the faid cashier or cashiers, and any other perfon or perfons (other than the faid commiffioners) for performing the truft hereby reposed in him or them; all which allowances to be made as aforefaid, in refpect of the fervices, pains, and labour of any officer or officers of the faid governor and company of the bank of *England*, and of the *South Sea* company, refpectively, fhall be for the ufe and benefit of the faid companies, refpectively, and at their difpofal only. Treasury may difcharge incidental charges, etc. of executing this act.

C A P. XXXII.

An act for raifing a certain fum of money by loans or exchequer bills, for the fervice of the year one thoufand feven hundred and eighty-fix. — 1,500,000*l.* raifed by this act.

C A P. XXXIII.

An act for raifing a further fum of money, by loans or exchequer bills, for the fervice of the year one thoufand feven hundred and eighty-fix. — 1,000,000*l.* raifed by this act.

C A P. XXXIV.

An act for altering the days of payment of the long annuities, and annuities for thirty and twenty-nine years.

WHEREAS feveral annuities, granted by divers acts of parliament, to continue from the refpective times of their commencement for certain terms of ninety-nine, ninety-eight, eighty, feventy-eight, feventy-feven years, and feventy-five years and fix months, and then to ceafe, which were confolidated and made payable at the bank of *England*, and are there diftinguifhed by the appellation of long annuities; and alfo other annuities granted for thirty and twenty-nine years, and confolidated and made one joint flock of annuities, by an act of the nineteenth year of the reign of George the Third, Preamble,
payable

payable likewise at the bank of England; all which said annuities to continue for ninety-nine, ninety-eight, eighty, seventy-eight, seventy-seven years, and seventy-five years and six months, and for thirty and twenty-nine years, from the times of their said respective commencements, were, by the several acts granting the same, made payable half-yearly, on the fifth day of January, and the fifth day of July, in every year: and whereas it is expedient that the times appointed by the said acts for the payment of the said annuities should, with the consent of the proprietors thereof, be altered; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the payment of the several annuities abovementioned for the half year which shall become due on the fifth day of July, one thousand seven hundred and eighty-six, the subsequent payments thereof shall, with the consent of the proprietors, be made in manner following; that is to say, One quarterly payment of the said annuities shall be made on the tenth day of October, one thousand seven hundred and eighty-six, and from and after the said tenth day of October, one thousand seven hundred and eighty-six, such annuities shall be paid and payable half-yearly on the fifth day of April, and the tenth day of October, in every year, until the quarter day next preceding the time at which the several annuities, according to the several acts of parliament for granting the same, shall respectively determine; and the quarter's annuity for the time then remaining unexpired shall be paid on the quarterly day of payment on which the same shall become due.

After July, 1786, the recited annuities to be paid on Oct. 10, and April, 5, yearly.

Proprietors deemed to assent to the alteration, unless they signify their dissent, &c.

Provisions of former acts to operate with respect to the payments on the days hereby appointed.

II. And be it further enacted by the authority aforesaid, That such proprietors of the said respective annuities who shall not, on or before the first day of June, one thousand seven hundred and eighty-six, signify their dissent to the said alteration of the times for the payment of the said annuities, in books to be opened at the bank of England for that purpose, shall be deemed and taken to assent thereto, any thing in any act or acts of parliament to the contrary thereof in any-wise notwithstanding.

III. Provided nevertheless, That all the provisions, powers, and directions in the several acts of parliament relative to the payment of the several and respective annuities aforementioned, and the clauses therein for charging the same on the several funds provided for payment thereof, shall take effect, operate, and be executed, with respect to the payment of the said annuities on the days hereby appointed, as fully and effectually as if the same were herein repeated, re-enacted, and applied to the payments to be made by the authority of this act.

C A P. XXXV.

An act to explain, amend, and render more effectual, an act, made in the last session of parliament, intituled, An act to explain, amend, and render more effectual, an act, passed in the twenty third year of his present Majesty's reign, intituled, "An act for authorising the treasurer

“ furer of the navy to pay to the garrifon and naval department at Gibraltar, the like bounty for deftroying certain Spanifh fhips of war, as is allowed to the officers and men on board any of his Majefty’s fhips of war taking or deftroying fhips of war belonging to the enemy.”

- 23 Geo. 3. c. 16. and 25 Geo. 3. c. 29. for amending the former act; recited. Commiffioners may order the prize agents to pay the agents of the foreign troops of the late garrifon at Gibraltar their fhare of bounty money, and prize money. Expences of this act to be paid out of bounty or prize money in hand.

C A P. XXXVI.

An act to explain an act, made in the laft feffion of parliament, with refpect to the allowances to be made for wafte on the exportation of white falt and rock falt to the Ifle of Man; for limiting the quantity of Britifh refined fugar to be exported to the Ifle of Man; and for repealing fo much of an act, made in the feventh year of the reign of his prefent Majefty, intituled, “ An act for encouraging and regulating the trade and manufacture of the Ifle of Man; and for the more eafy fupply of the inhabitants there with a certain quantity of wheat, barley, oats, meal, and flour, authorized by an act made in this feffion to be transported to the faid ifland,” as relates to permitting any perfon to import into the Ifle of Man fifh from any place whatever, except from Great Britain, without payment of any cuftom or other duty whatsoever.

25 Geo. 3. c. 63. and 20 Geo. 3. c. 34. recited. Allowance for wafte on falt exported to the Ifle of Man, reduced to 2 bufhels in 40 of white falt, and 1 bufhel in 40 of rock falt. Recital of 7 Geo. 3. c. 45. From July 5, 1786, no Britifh refined fugar to be imported into the Ifle of Man, except from Great Britain directly, and from the ports after mentioned, under penalty of forfeiture and of the fhip, &c. 4 hundred weight of refined fugar, and 10 hundred weight of refined fugar baftard, may be exported annually from Liverpool to Douglas in the Ifle of Man. No fuch fugar to be exported from the Ifle of Man. The act of 7 Geo. 3. c. 45. fect. 3. as to fifh repealed, and the houfe of keys in the ifland may permit one thoufand barrels of foreign herrings to be imported into the ifland in any one year, duty free.

C A P. XXXVII.

An act for laying a toll upon all horfes and carriages paffing on a Sunday over Blackfriars bridge, and for applying the money to arife thereby towards increafing the fund for watching, lighting, cleaning, watering, and repairing the faid bridge.

Act 29 Geo. 2. c. 86. 7 Geo. 3. c. 37. A Sunday toll on horfes and carriages to commence on the firft Sunday after June 24, 1786.

For every coach, chariot, berlin, chaise, chair, calafh, or other carriage, drawn by fix or more horfes or mules, the fum of ten-pence:

For every coach, chariot, berlin, chaise, chair, calafh, or other carriage, drawn by four horfes or mules, the fum of eight-pence:

For every coach, chariot, berlin, chaise, chair, calafh, or other carriage, drawn by three or two horfes or mules, the fum of fix-pence:

And for every chaise, chair, calafh, or other carriage, drawn by one horfe, mule, or afs, the fum of three-pence:

For every horfe, mule, or afs, not drawing, the fum of one penny.

Monies vefted in the mayor, commonalty and citizens to be applied to the ufes of the act. Power to levy the tolls by diftreff and fale in 4 days. Power to erect turnpikes and toll-houfes within 150 feet from the fourth

end of the bridge. Property vefted in the mayor, &c. Tolls to be paid only once a day. Power to leave the tolls for three years, and not lefs than one, to the higheft bidder. Common council may appoint collectors. Collectors to account; or may be committed. Upon the death of any collector, his executor or adminiftrator to be anfwerable. Penalty on perfons obftrecting collectors, 40s. befides damages, &c. Collectors neglecting to apply for warrants, to forfeit 40s. Penalties and forfeitures to be recovered by diftreff and fale of goods, by justices' warrant, and the net money to be paid into the chamber of London, and for want of diftreff may commit the party for 10 days and not more than 30 days. One moiety of the penalties may be paid to the informers. Forfeitures may be mitigated to one moiety. Commencement of this act, June 24, 1786. Money collected to be applied to the lighting, watching, cleaning, repairing, and watering the bridge. Power to appeal to the general quarter feflions of London in three months. Proceedings not to be quafhed for want of form. No actions to be brought till after 21 days notice of the caufe thereof, and to be in fix months after fact, and to be laid and tried in the city of London, or county of Surry, as the matter may arife; and the defendant may plead the general iffue and give the fpecial matter in evidence, &c. if he recover to have treble cofts. Common council may delegate their power to a committee. But no perfon concerned in any turnpike or toll-houfe to be erected, or any contract for work to be done by virtue of this act, or any fhare therein, or having place of profit eligible. Deemed a publick act.

C A P. XXXVIII.

An act for regulating the time of the imprifonment of debtors imprifoned by procefs from courts instituted for the recovery of fmall debts; for abolifhing the claim of fees of gaolers, and others, in the cafes of fuch imprifonment; and for afcertaining the qualifications of the commiffioners.

Preamble.

WHEREAS by feveral acts of parliament now in force, and made to eftablifh or regulate courts for the recovery of fmall debts in feveral cities, towns, diftricts and places within this kingdom, there is no uniform time limited for the duration of the imprifonment of the defendant or debtor, againft whom an execution, procefs of contempt, or precept in the nature of an execution, is iffued for nonpayment of fuch debts and cofts, fum or fums of money, as by the order or orders of fuch courts fuch debtor or defendant is ordered or directed to pay, but fuch debtors or defendants are by fuch acts of parliament to be committed to prifon, there to remain for an indefinite length of time, until he, ſhe, or they, ſhall perform the order of the court or commiffioners in that behalf; fo that it frequently happens that a poor perfon, who is not of ability to pay a debt of or under forty ſhillings, is imprifoned for many months, and ſometimes for years, without a poffibility of being difcharged: and whereas it often happens that poor perfons, who are committed to prifon by virtue of and in purfuanee of the ſaid acts of parliament, for a trifling debt, are kept in cuftody after they have been enabled to pay and difcharge fuch debt, for gaol fees: and whereas an act was made in the laft feffion of parliament, (intituled, An act for reducing the time for the imprifonment of debtors committed to prifon, upon profeccutions in courts of conſcience, in London, Middlefex, and the borough of Southwark, to the ſame periods in each court; and for abolifhing fees paid by thofe debtors to gaolers, or others, on account of fuch imprifonment),

25 Geo. 3.
c. 45.

fonment), *the purposes of which act have been found to be beneficial; and it is expedient that the like provisions should be extended to all other courts instituted for the recovery of small debts:* therefore be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *September*, one thousand seven hundred and eighty-six, no person whosoever, being a debtor or defendant, and who has been or shall be committed to any gaol or prison by order of any court, or commissioners authorised by any act or acts of parliament for constituting or regulating any court or courts for the recovery of small debts, where the debt does not exceed twenty shillings, shall be kept or continued in custody, on any pretence whatsoever, more than twenty days from the commencement of this act, or from the time of his, her, or their commitment to prison; and where the original debt does not amount to or exceed the sum of forty shillings, more than forty days from the commencement of this act, or from the time of his, her, or their commitment as aforesaid; and all gaolers, keepers, or turnkeys, are hereby directed and required to discharge such persons accordingly.

Limitation of the time of imprisonment of debtors committed by courts of conscience.

II. *And, in order the more effectually to prevent persons summoned for debts to the said courts from the fraudulent concealment of their money or goods;* be it enacted by the authority aforesaid, That in case, upon the summons of any person for debt before the said court or commissioners, information of any such practice shall be given, such court or commissioners shall have power to hear evidence as to such fraudulent concealment; and in case it shall be proved to their satisfaction, upon the oaths of two or more credible witnesses, (which oath the said court or commissioners are hereby empowered to administer, and which oath, if falsely taken, shall subject the party or parties so taking it to all the pains and penalties of wilful and corrupt perjury), that any such debtor has money or goods which he has wilfully and fraudulently concealed; in that case, the court or commissioners shall have power to enlarge the aforesaid times of imprisonment for debts under twenty shillings, to any time not exceeding thirty days, and for debts under forty shillings, to any time not exceeding sixty days; which said circumstance or ground of further detention shall be specified in the said commitment; and the depositions of the witnesses shall be entered in a book to be kept for that purpose by the clerk to each respective court or commissioners.

Debtors found guilty of a fraudulent concealment of their effects, may be imprisoned for a longer term.

III. And be it further enacted by the authority aforesaid, That at the expiration of the said respective times of imprisonment as aforesaid, every such person or persons shall immediately be discharged and set at liberty, without paying any sum or sums of money, fee or fees, or other reward or gratuity whatsoever, to the gaoler, keeper, or turnkey of such gaol or prison, or others, by way of gaol fees, or discharge fees, or otherwise, on any pre-

Debtors not liable to pay gaol fees.

Penalty on
gaolers de-
manding fuch
fees.

tence whatsoever; and every gaoler, keeper, or turnkey of any fuch gaol or prifon, or others, demanding, taking, or receiving, any fee or fees, fum or fums of money whatsoever, upon the difcharge of any fuch perfon or perfons, committed or to be committed to his cuftody as aforefaid, or keeping or detaining any fuch perfon or perfons prifoner or prifoners, after the refpective times limited by this act, fhall, for every fuch offence, forfeit and pay the fum of five pounds.

Two justices
may deter-
mine offences
againft this
act.

IV. And be it further enacted by the authority aforefaid, That it fhall and may be lawful to and for any two justices of the peace where the offence fhall be committed, to hear and determine any offence againft this act; which faid two justices of the peace are hereby authorized and required, upon any information exhibited or complaint made before them of fuch offence having been committed, to fummon the party accused, and alfo the wiffneffes on either fide, and to examine into the matter of fact; and upon due proof made thereof, by the oath of one or more credible wiffneffes or wiffneffes, or by the voluntary confession of the party, to give judgement or fentence for the penalty or forfeiture, as in and by this act is directed, and to award and iffue out their warrant under their hands and feals, for levying the faid penalty of five pounds fo adjudged on the goods of the offender, and to caufe fale to be made thereof, in cafe they fhall not be redeemed in four days, rendering to the party the overplus (if any); and where the goods of fuch offender cannot be found fufficient to anfwer the penalty, to commit fuch offender to prifon, there to remain for the fpace of two months, unlefs fuch penalty fhall be fooner paid and fatisfied.

Penalties and
forfeitures
how to be ap-
plied.

V. And be it further enacted, That all forfeitures and penalties inflicted by this act (the neceffary charges for the recovery thereof being firft deducted) fhall be divided and diftributed in manner following; that is to fay, One moiety thereof to be paid to the churchwardens or overfeers of the poor, for the fupport and maintenance of the poor of the parifh in which the offence fhall be committed; and the other moiety to the perfon or perfons who fhall inform and fue for the fame.

Informations
to be exhibited
within a limited
time.

VI. Provided always, and be it enacted, That no perfon or perfons fhall be liable to be convicted before any justices of the peace, for any offence committed againft this act, unlefs complaint or information fhall be made or exhibited againft fuch perfon or perfons within two calendar months after fuch offence committed.

Procefs not to
iffue againft
the body and
goods of the
fame perfon.

VII. Provided alfo, and be it enacted, That it fhall not be lawful for any fuch court or commissioners to iffue any procefs againft the body or bodies of any perfon or perfons, where the party intituled to the benefit of any order, judgement, or decree, fhall at the fame time have obtained any warrant or procefs againft the goods and chattels of the fame perfon or perfons.

Qualification
of commif-
fioners.

VIII. And be it further enacted, That, from and after the twenty-fourth day of *June*, one thoufand feven hundred and eighty-fix, no perfon fhall be capable of acting as a commissioner in

in the execution of any of the acts for constituting such courts, unless such person shall be a householder within the county, district, city, liberty, or place, for which he shall act, and shall be possessed of a real estate of the annual value of twenty pounds, or of a personal estate of the value of five hundred pounds: and if any person, not being so qualified, shall presume to act as a commissioner in the execution of any of the acts for constituting such courts, every person so acting shall forfeit and pay the sum of twenty pounds to any person or persons who shall sue for the same, to be recovered, with full costs of suit, by action of debt or on the case, wherein no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; and the person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said penalty, upon proof being given of his having acted as a commissioner in the execution of any of the acts constituting such courts: provided always, that such action or suit shall be commenced within six calendar months next after the offence committed, and shall be laid or brought in the county, city, or place, where the offence shall be committed, and not elsewhere.

Penalty on acting not being qualified.

C A P. XXXIX.

An act for widening, enlarging, and cleansing the streets, lanes, and other publick places, and for opening new streets, markets, and passages, within the town of Newcastle upon Tyne, and the liberties thereof, and for removing and preventing annoyances therein; and for regulating the publick markets, and common stage waggons, drays, and carts, carrying goods for hire.

The mayor, aldermen and common councilmen of Newcastle to put this act in execution at the expence of the corporation.

C A P. XL.

An act for regulating the production of manifests, and for more effectually preventing fraudulent practices in obtaining bounties and drawbacks, and in the clandestine relanding of goods.

WHEREAS the laws now in force, made to secure the payment of the duties due on such goods as are admissible to an entry upon importation into this kingdom from foreign parts, and to prevent the clandestine and fraudulent importation and exportation of prohibited goods, and the relanding of goods shipped for exportation, entitled either to bounty or drawback, have been found insufficient to answer the good purposes thereby intended; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the times herein-after mentioned, no goods or commodities shall be imported or brought into Great Britain, from any port or place whatever, in parts beyond the seas, in any ship or vessel whatever, belonging in the whole or in part to his Majesty's subjects, unless the master, or other person

Preamble.

No goods to be imported into Great Britain, in any vessel belonging to British subjects, un-

less the master have on board a manifest, containing the particulars herein mentioned.

person having or taking the charge or command of every such ship or vessel, respectively, importing such goods, shall have on board a manifest or manifests, or content or contents, in writing, signed by such master or other person, containing the name or names of the several and respective ports or places where the goods in such manifest or manifests, or content or contents, mentioned, shall have been respectively laden or taken on board, the name and built of such ship or vessel, and the true admeasurement or tonnage thereof, according to the register of the same, together with the christian and surname of the master, or other person having or taking the charge or command of such ship or vessel, and the port or place to which such ship or vessel truly belongs; and a just, true, correct, and particular account of all the cargo, and of all packages of goods so laden or taken on board, with the several and respective marks thereon; and of the particulars of the cargo which is stowed loose; and of the following particulars, in words at length; (that is to say), The several and respective numbers of the packages, with a particular description thereof, whether leaguer, pipe, butt, puncheon, hogthead, barrel, or other cask or package, describing such other cask or package by its usual or ordinary name; or whether case, bale, pack, trufs, chest, box, bundle, or other package, or by such other name or description as the same is usually called or known.

No wine to be imported from any place not subject to the crown of Great Britain, unless the master has a proper manifest on board.

II. And be it further enacted by the authority aforesaid, That no wine of any sort shall be imported or brought into *Great Britain*, from any port or place whatever in foreign parts, not belonging to or under the dominion of the crown of *Great Britain*, in any ship or vessel whatever, unless the master, or other person having or taking the charge or command of the ship or vessel in which such wine shall be laden, shall have on board, in like manner, a manifest or manifests, or content or contents, in writing, made out and signed by such master or other person, on or before the clearing or departure of every such ship or vessel from each and every such port or place where such wine shall be laden on board, containing the name of the several and respective ports or places where the wine mentioned in such manifest or manifests, or content or contents, shall have been so respectively laden or taken on board; the name and built of such ship or vessel, and the true admeasurement or tonnage thereof; together with the christian and surname of the master, or other person having or taking the charge or command of such ship or vessel, and the port or place to which such ship or vessel truly belongs; and a just, true, correct, and particular account of the whole quantity of wine, distinguishing the quantity of each different kind, so taken on board as aforesaid, and of the several and respective marks upon the different packages respectively, and, if known, the names of the persons to whom the wines are respectively consigned; and also, in words at length, the several and respective numbers of the packages, with a particular description thereof, whether leaguer, pipe, butt, puncheon, hogthead,

hogfhead, barrel, or other cask or package, or by what name or description fuch other cask or package may be ufually called or known: provided always, That nothing in this act contained fhall extend, or be conftrued to extend, to permit any goods or commodities whatever, which are now in law required to be accompanied with certificates or other documents, to be imported into *Great Britain* without all and every fuch certificate or certificates, or other document or documents, fo required; but the fame fhall, and are hereby directed and required to be accompanied, as well with fuch certificate or other document, as with the manifef or manifefts, or content or contents, herein-before directed; and, on failure thereof, the goods fhall refpectively continue to be liable to all and every the duties, regulations, and reftrictions, and to the fines, penalties, and forfeitures, in all refpects, to which the fame are or fhall be fubject and liable by law, as if this act had not been made.

Certificates
requifite on
the importa-
tion of goods
as heretofore.

III. And be it further enacted, That before any fhip or vef-
fel fhall be cleared out for *Great Britain* with any goods or com-
modities whatever, from any port or place in any colony, plan-
tation, ifland, or territory in foreign parts, belonging to or un-
der the dominion of the crown of *Great Britain*, the mafter, or
other perfon having or taking the charge or command of every
fuch fhip or veffel, fhall deliver the manifef or content, in writ-
ing, herein-before required, to the collector of the customs (if
there be fuch an officer at or near to fuch place); and, if there
fhall not be a collector of the customs there, then to the chief
officer of the customs; and, if there fhall not be any officer of
the customs there, then to the principal officer or magiftrate, or
fome other perfon by him fpecially appointed for that purpofe,
refident at or neareft to fuch place; which faid collector, or
other chief officer or magiftrate, or other perfon by him ap-
pointed as aforefaid, fhall refpectively caufe a duplicate thereof
to be forthwith made, and fhall indorfe upon the original mani-
fef or content his name, with the day and year on which the
fame was produced to fuch collector or other chief officer or
magiftrate, or perfon by him appointed, as aforefaid, and fhall
then return the faid original manifef or content to the faid
mafter or other perfon, on or before the clearing of any fuch
fhip or veffel; and fuch collector or other chief officer or magi-
ftrate, or other perfon fpecially appointed as aforefaid, fhall re-
fpectively, at and upon the clearing of every fuch fhip or veffel
as aforefaid, immediately tranfmit the faid duplicate of fuch
manifef or content, fo made as before directed, under his hand
and feal, to the collector and comptroller of his Majefty's
customs at the port in *Great Britain* to which the goods are
configned, and to which the manifefts refpectively refer.

Mafters of
veffels, before
clearing out
for *Great
Britain*, from
any of the
British domi-
nions in fo-
reign parts, to
deliver a ma-
nifef to the
chief officer
of the cus-
toms, &c.

IV. And be it further enacted by the authority aforefaid,
That no fort of wine fhall be admitted to an entry on the im-
portation thereof into *Great Britain*, in any fhip or veffel what-
ever, from any port or place in parts beyond the feas, not be-
longing to or under the dominion of the crown of *Great Britain*,

Truth of the
manifefts to
be verified on
oath, before
the conful,
&c. relative

to wine shipped in foreign ports for Great Britain.

unless the master, or other person having or taking the charge or command of each and every ship or vessel importing the same, shall, before his departure from the port or place where such wine is shipped or laden on board, verify upon oath the truth of the contents of the said manifest or manifests, in respect of the said wine, before the *British* consul or other chief *British* officer, if there shall be any such resident at or near to the port or place where such wine shall be laden or taken on board; which oath the said *British* consuls, or other chief *British* officers, is and are hereby respectively authorized and required to administer.

Penalty on masters of vessels importing goods without a proper manifest.

V. And be it further enacted by the authority aforesaid, That if any goods shall be imported or brought into *Great Britain*, in any ship or vessel whatever, belonging in the whole or in part to his Majesty's subjects, from any port or place whatever in foreign parts, without such manifest or manifests, or content or contents, in writing, or shall not be included and described therein, or shall not agree therewith; or if any wine shall be imported or brought into *Great Britain* by any such ship or vessel, without a manifest or manifests, content or contents, so verified as aforesaid; in each and every such case the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit a sum of money equal to double the value of such goods, together with the full duties payable on the same.

Masters of vessels, on arrival within 4 leagues of the *British* coast, are to produce their manifests to the first officer of the customs who shall come on board, and give him a copy thereof. Officer to certify such production on the back of the original manifest, and to transmit the copy to the proper officers at the port of consignment, &c.

VI. And be it further enacted by the authority aforesaid, That every master, or other person having or taking the charge or command of any ship or vessel, belonging in the whole or in part to his Majesty's subjects, laden with goods as aforesaid, and bound to any port or place in *Great Britain*, shall, on his arrival within four leagues of the coast thereof, upon demand, produce all and every such manifest or manifests, or content or contents, in writing, which such master or other person is herein-before directed and required to have on board his said ship or vessel, to such officer or officers of his Majesty's customs as shall first come on board his said ship or vessel, for his or their examination and inspection, and shall deliver to such officer or officers a true copy thereof, respectively (which copy shall be provided and subscribed by the said master, or other person having or taking the charge or command of such ship or vessel); and that the several and respective officer and officers to whom the original manifest shall have been so produced, shall certify upon the back thereof that the same was produced, and also the day and year on which the same was or were so produced, and such copy or copies as aforesaid were to him or them delivered; and shall likewise certify upon the back of such copy or copies the day and year on which the same was or were produced, and shall forthwith transmit such copy or copies to the respective collectors and comptrollers of the several ports to which the goods, by such manifest or manifests, shall appear respectively to be consigned; and that the said master, or other person so having or taking the charge or command of any such ship or vessel, shall

in like manner produce to the officer or officers of his Majesty's customs who shall first come on board such ship or vessel, upon her arrival within the limits of any port of *Great Britain* in which the cargo, or any part thereof, is intended to be discharged or landed, such manifest or manifests, or content or contents, in writing as aforesaid, and shall also deliver to him or them a true copy or copies thereof (such copy or copies also to be provided and subscribed by the said master, or other person having or taking the charge or command of such ship or vessel), the production of which said manifest or manifests, or content or contents, in writing, and the delivery of such copy or copies thereof, to be delivered as is herein-before directed, shall also be certified to have been so produced and delivered as aforesaid, by the said officer or officers of his Majesty's customs who shall first come on board the said ship or vessel, on her arrival within the limits of any such port, upon the back of the said original manifest or manifests, or content or contents, in writing, with the particular day and year, and the time when such manifest or manifests, or content or contents, in writing, was or were produced to such officer or officers, and when he or they so received the said copy or copies thereof; and such officer or officers is and are hereby required forthwith to transmit, or cause to be transmitted, the said copy or copies of the said manifest or manifests, or content or contents, in writing, to the collector and comptroller of that port: provided always, That nothing herein contained shall be construed to extend to require of such master, or other person having or taking the charge or command of such ship or vessel, the delivery of more than one copy of the manifest or manifests, content or contents, respectively, which he is hereby directed to have on board, to the officer or officers aforesaid, who shall first come on board of such ship or vessel, within four leagues of the coast of *Great Britain*, and to none other who shall afterwards come on board, within the distance aforesaid; and one other copy to such officer or officers as shall first come on board within the limits of any port in *Great Britain*, and to none other who shall afterwards come on board within such limits, if such master, or other person so having or taking the charge or command of any such ship or vessel, shall produce to such officer or officers respectively his manifest or manifests, content or contents, with a certificate on the back thereof, as aforesaid: provided also, That if any manifest or content, herein-before directed to be delivered up to the collector and comptroller of any port where such ship or vessel arrives, shall contain an account of goods not there to be landed, but which shall appear to be consigned to some other port or place in *Great Britain*, then, and in such case, that the collector and comptroller shall certify upon such manifest, under their hands, such part of the cargo as shall there have been delivered, and shall then deliver back the original manifest to the master, or other person having or taking the charge or command of the ship or vessel; and so in like manner, as often as the case shall require,

Master not required to give more than two copies of his manifest.

until

until such ship or vessel shall arrive at her last port or place of discharge.

Penalty on
master neg-
lecting to pro-
duce his ma-
nifest, or to
give a copy
thereof to the
proper officer,
&c.

VII. And be it further enacted by the authority aforesaid, That, if the master, or other person having or taking the charge or command of any ship or vessel laden as aforesaid, and bound to any port or place in *Great Britain*, shall not, upon his arrival within the limits of any port in *Great Britain* as aforesaid, or within four leagues of the coast thereof, produce such manifest or manifests, or content or contents, in writing, to the officer and officers of his Majesty's customs as aforesaid, upon demand thereof, and also give such copy or copies thereof as aforesaid to the officer or officers of his Majesty's customs who shall first come on board such ship or vessel, upon her arrival, as aforesaid, within any port in *Great Britain*, where the cargo, or any part thereof, is intended to be discharged or landed, or shall not give an account of the destination of such ship or vessel, or shall give a false account of the destination thereof, in order to evade the production of the manifest or manifests, or content or contents, in writing, the master, or other person having or taking the charge or command of such ship or vessel, shall forfeit a sum equal to double the value of the goods, together with the full duties due and payable thereon; and if such officer or officers first coming on board, within the distance or limits aforesaid, shall neglect or refuse to certify on the back of such manifest or manifests, or content or contents, the production thereof, and the delivery of such copies, respectively, as are herein-before directed and required to be delivered to such officer or officers, every such officer, so neglecting or refusing shall forfeit and pay the sum of one hundred pounds.

and on officer
neglecting to
certify the
production
thereof, etc.

Master and
mate of any
such vessel,
who shall suf-
fer bulk to be
broken within
the said li-
mits, unau-
thorised by
the proper of-
ficer, shall
forfeit each
200l.;

VIII. And be it further enacted by the authority aforesaid, That if, after the arrival of any ship or vessel so laden with goods as aforesaid, and bound to *Great Britain*, either when within the limits of any of the ports of *Great Britain*, or within four leagues of the coast thereof, bulk shall be broken, or any part of the cargo of such ship or vessel shall be unladen or unshipped with intention to be laid on land, or unshipped for any other purpose whatever, out of such ship or vessel as aforesaid, within the limits or distance aforesaid, before such ship or vessel shall come to the proper place for the discharge of her cargo, or any part thereof, and shall be there duly authorised by the proper officer or officers of the customs to unlade the same, the master, or other person having or taking the charge or command of such ship or vessel, and the mate or other person next in command, shall respectively forfeit and lose the sum of two hundred pounds, except in case of unavoidable necessity and distress of weather, or other unavoidable accident, necessity, or distress, of which necessity and distress, or other unavoidable accident, the master, or other person having or taking the charge or command of such ship or vessel, shall give notice to, and (together with two or more of the mariners on board such ship or vessel) shall make proof, upon oath, before the collector

except, &c.

or

or other chief officer of the customs of the port within the limits of which such accident, necessity, or distress shall happen, or before the collector or other chief officer of the first port in *Great Britain*, within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity or distress shall have happened, not within the limits of any port, but within four leagues of the coast of *Great Britain*, (which oath the said collector or other chief officer is hereby authorized and required to administer).

IX. And be it further enacted by the authority aforesaid, That if, upon the arrival of any ship or vessel within the limits of any port in *Great Britain*, for the discharge of the cargo, or any part thereof, there shall be any goods which, from necessity, or from the nature of the cargo, must be unavoidably stowed, either in the cabin, or between the decks, or upon the decks, or in the steerage, forecabin, or other place or places, out of the main hold of any such ship or vessel (save and except such part of the cargo as is stowed in the chains, or in other parts on the outside of such ship or vessel), in such case the officer or officers of the customs who shall first go on board, shall, before he or they shall leave the ship or vessel, mark or seal such several and respective packages, in such manner as such officer or officers shall be directed by the commissioners of the customs, or any four or more of them, in *England*, or the commissioners of the customs, or any three or more of them, in *Scotland*, for the time being, and shall keep a particular account thereof; which mark or seal shall not be altered, defaced, or broken, before the goods contained in such packages shall be respectively landed, either at the lawful quays, or at such other places as shall from time to time be allowed for that purpose, by special sufferance and leave from the commissioners and officers of his Majesty's customs, and under the authority of an order from the proper landing waiters, and likewise in the presence of such superior officer or officers as the said commissioners of the customs, in *England* and *Scotland* respectively, shall appoint to see such packages opened.

Directions relative to goods not stowed in the main hold.

X. And be it further enacted by the authority aforesaid, That if any of the marks or seals which shall have been put upon any of the packages as before directed, shall be altered, defaced, or broken, by the master, or other person having or taking the charge or command of the ship or vessel on board of which such offence or offences shall be committed, or by any of the crew, or shall be committed by any other person, with the privacy or consent of the said master, or other person having or taking the charge or command of such ship or vessel, every such master, or other person having or taking the charge or command of such ship or vessel, and also the mate or such person as shall be next in command to such master, or other person having the charge and command as aforesaid, shall, for each and every offence so committed, forfeit two hundred pounds.

If any marks on such goods shall be defaced, with the privacy of the master and mate, they shall forfeit 200l. each.

XI. And be it further enacted by the authority aforesaid, That

Maſter of every veſſel importing ſuch goods to make entry, upon oath, of her burthen, lading, &c. before the chief officer at the port of importation;

13 & 14 Car. 2. c. 11.

and deliver his manifeſt to him,

on penalty of 200l.

Penalty on the maſter if the goods reported ſhall not agree with the manifeſt, &c.

Certain caſes in which the penalties ſhall not be incurred.

That the maſter, or other perſon having or taking the charge or command of any ſhip or veſſel, in which ſuch goods ſhall be ſo imported or brought as aforeſaid into *Great Britain*, ſhall, within twenty-four hours after the arrival of ſuch ſhip or veſſel at ſuch places reſpectively as ſhall hereafter be fixed upon and appointed for that purpoſe by the commiſſioners of the cuſtoms, or any four or more of them, in *England*, or the commiſſioners of the cuſtoms, or any three or more of them, in *Scotland*, for the time being, make entry, upon oath, of the built, burthen, contents, and lading of ſuch ſhip or veſſel, with the particular marks, numbers, and contents of every parcel of goods then laden on board ſuch ſhip or veſſel, to the beſt of his knowledge and belief, and do and perform every act and thing in relation thereto, before the cuſtomer, collector, or other chief officer of the cuſtoms of the ſaid port, openly in the cuſtom-houſe at the ſame port, in the manner directed and required by an act, paſſed in the thirteenth and fourteenth years of the reign of his late maſtey King *Charles* the Second, intituled, *An act for preventing frauds, and regulating abuſes in his Maſtey's cuſtoms*, under the penalty of the forfeiture of one hundred pounds; and the ſaid maſter or other perſon ſhall, at the time he ſo makes his report or entry of his ſhip upon oath, at the cuſtom-houſe as aforeſaid, deliver to the collector, or other chief officer of the cuſtoms at the ſaid port, the manifeſt or manifeſts, or content or contents, in writing, as before directed to accompany their reſpective cargoes, and to be on board every ſhip or veſſel in which goods ſhall be ſo imported or brought as aforeſaid into *Great Britain*; and if the ſaid maſter, or other perſon having or taking the charge or command of any ſuch ſhip or veſſel, ſhall neglect or reſuſe to deliver ſuch manifeſt or manifeſts, or content or contents, in writing, as aforeſaid, to the ſaid collector or other chief officer of the cuſtoms, at the time he ſo makes his report or entry of his ſhip upon oath at the cuſtom-houſe as aforeſaid, every ſuch maſter, or other perſon ſo having or taking the charge or command of ſuch ſhip or veſſel, ſhall, for every ſuch offence, forfeit and loſe the ſum of two hundred pounds.

XII. And be it further enacted by the authority aforeſaid, That if any package whatever, which ſhall have been reported by the maſter, or other perſon having or taking the charge or command of any ſhip or veſſel in manner herein-before directed, ſhall be wanting, and not found on board ſuch ſhip or veſſel, in conformity to ſuch report; or if the goods reported ſhall not agree with the manifeſt or manifeſts, content or contents; or if either the report or manifeſt or manifeſts ſhall not agree with the cargo found on board of ſuch veſſel or veſſels; then, and in every ſuch caſe, the maſter, or other perſon having or taking the charge or command of ſuch ſhip or veſſel, ſhall forfeit and loſe the ſum of two hundred pounds: provided nevertheleſs, That in caſe any goods ſhall be imported without ſuch manifeſt or manifeſts, or content or contents, in writing, as herein-before is directed; or in caſe the manifeſt or manifeſts,

or

or content or contents, accompanying the goods, shall not agree with the report, or shall be defaced or incorrect, or shall not agree with the goods on board, and it shall be made to appear, to the satisfaction of the commissioners of the customs, that the cargo imported was wholly taken on board in foreign parts, naming the particular places where it was taken on board respectively, and that no part of the cargo has been unshipped since it was taken on board, and that the manifest or content has been lost or mislaid without fraud or collusion, or that the same was defaced by accident, or incorrect by mistake; in such case, the penalties and forfeitures herein-before inflicted shall not be incurred: provided also, That in case any goods shall, from urgent necessity, be taken on board of any ship or vessel in any foreign port or place, for *Great Britain*, after such manifest or manifests, or content or contents, as required by this act, shall have been attested in manner herein-before directed, the master, or other person having or taking the charge or command of such ship or vessel, shall make out, or cause to be made out, and shall sign, a separate manifest or manifests, or content or contents, of all such goods as shall be so taken on board; which manifest or manifests, or content or contents, shall be subject to all and every provision in this act contained, to all intents and purposes, in like manner as the manifest or manifests, or content or contents, so attested as aforesaid, are subjected; and in such case, the penalties and forfeitures herein-before inflicted, with respect to goods imported without a manifest or content, shall not be incurred, if the urgent necessity of so taking such goods on board shall be made to appear, to the satisfaction of the commissioners of the customs in *England* and *Scotland* respectively.

XIII. And be it further enacted by the authority aforesaid, That if any goods so taken on board any ship or vessel in any foreign port or place, shall, after the arrival of such ship or vessel within the limits of any port of *Great Britain*, or within four leagues of the coast thereof, or after the first production of the manifest or manifests, or content or contents, to the officers of the customs, in manner herein-before directed (whether such goods shall be inserted in the said manifest or manifests, or content or contents, herein-before directed to accompany such goods, or not), be thrown overboard, or staved, or otherwise in any manner destroyed (except in case of unavoidable necessity, proof of which shall be made, to the satisfaction of the commissioners of his Majesty's customs in *England* and *Scotland* respectively), the master, or other person having or taking the charge or command of the ship or vessel on board of which such offence shall be committed, shall forfeit two hundred pounds.

XIV. And be it further enacted by the authority aforesaid, That all and every importer or importers, proprietor, or proprietors, or consignee or consignees, of any goods imported or brought into *Great Britain* as aforesaid, shall severally and respectively, within twenty days after the master, or other person having

Penalty on masters permitting goods to be thrown overboard, &c. after arrival within the aforesaid limits.

Importers, &c. within 20 days after the master's report, to make entry, with

the proper officer, of all goods imported, &c. by them, and pay the duties.

having or taking the charge or command of such ship or vessel, shall have made his report or entry upon oath, in manner herein-before directed, or after the expiration of the time within which he is required by law so to do, make a due entry in writing, in the usual and accustomed manner, with the collector or other chief officer of the customs, at the port in *Great Britain* where the ship or vessel so laden as aforesaid shall arrive, of all the goods so by them, and each and every of them, respectively, imported in such ship or vessel, or of which they and each and every of them are the importers, proprietors, or consignees, respectively, and shall pay the full duties due and payable, in ready money, for such goods, within the time aforesaid; and that if he or they respectively shall fail in so doing, it shall and may be lawful for the officers of the customs to convey such goods to his Majesty's warehouse at the custom-house for security of the duties; and if the full duties are not paid for such goods within the space of three calendar months from the time they shall be so brought to the said warehouse at the custom-house, they shall and may be then forthwith sold, and the produce applied agreeably to an act, passed in the twelfth year of the reign of her late majesty Queen *Anna*, intituled, *An act for encouraging the tobacco trade*; any law, usage, or custom to the contrary notwithstanding: provided nevertheless, That nothing herein-before contained shall extend, or be construed to extend, to the selling of any goods which may by law be entered and warehoused, upon bond or security being given for the whole of the duties due thereon.

12 Annæ, c. 8.

From Aug. 1, 1786, no vessel shall be cleared out for foreign parts, until the master and mate have given bond not to land illegally any goods on board, etc.

XV. And be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, it shall not be lawful for any officer or officers of his Majesty's customs in *Great Britain* to permit or suffer any ship or vessel to be cleared out for foreign parts, from any port or place whatever in *Great Britain*, until the master, or other person having or taking the charge or command of such ship or vessel, and the mate of such ship or vessel, shall severally and respectively give security to his Majesty, his heirs and successors, by bond, in the penalty of two hundred pounds, (which security shall be taken by the collector, or other principal officer of the customs, at such port or place, who is hereby authorised and required to take such security), with condition that such master, or other person having or taking the charge or command of such ship or vessel, or such mate, as the case may be, will not at any time thereafter land, or cause to be landed, any goods, in any part of this kingdom, in any manner which is or shall be prohibited by law, or take the same on board in order to their being so landed, nor be anywise concerned, or aiding or assisting in fraudulently importing, unshipping, or landing the same, and will not hinder, molest, or oppose, any of his Majesty's officers of the customs or excise, or any other person or persons assisting them, or either of them, in the due execution of their respective offices or employments; or until such master,

or

or other perfon having or taking the charge or command of fuch fhip or veffel, fhall produce a certificate, under the hand of the collector, or other principal officer of the customs, at fome other port or place in *Great Britain*, of fuch fecurity having been before given at fuch other port or place, to fuch collector or other principal officer, by fuch mafter and mate.

XVI. And be it further enacted by the authority aforefaid, That there fhall not be paid or allowed to any perfon whatfoever, upon the exportation of any goods entitled to either drawback, or bounty, upon exportation, any drawback, bounty, or allowance whatever, if the goods are in bales prefs-packed, unlefs the feveral different names and fpecies of the goods and the quantities and qualities thereof, refpectively, fhall be verified by the refpective mafter packer or mafter packers thereof, or one of them, or in cafe of the abfence of fuch mafter packer or mafter packers, or one of them, from ficknefs or other unavoidable neceffity, by the foreman, or other fervant of fuch mafter packer, or mafter packers, refpectively, who fhall have actual knowledge of the contents of the bales fo refpectively prefs-packed, in the following manner; (that is to fay), If the goods are packed at the port whence they are to be exported, or within ten miles thereof, then by oath made and fubfcribed upon the entry or cocquet, before the collector or comptroller, or other chief officer of the customs at fuch port, (who is and are hereby refpectively authorized to adminifter the fame); and if fuch goods are packed at any greater diftance than ten miles from the port from whence the goods are to be exported, then on the like oath made, and fubfcribed in manner aforefaid, before fome magiftrate or juftice of the peace for the county or place where fuch mafter packer or packers fhall refide.

Clause relative to goods exported in bales prefs-packed, etc.

XVII. And be it further enacted by the authority aforefaid, That every mafter, or other perfon having or taking the charge or command of any fhip or veffel, on board of which any goods fhall be fhipped for exportation to foreign parts, from any port or place in *Great Britain*, fhall, upon demand, produce and deliver to each and every officer or officers of his Majefty's customs, who fhall come on board his fhip or veffel, either within the limits of any port in *Great Britain*, or within four leagues of the coaft thereof, all and each and every cocquet or cocquets delivered to him by the proper officer or officers of the customs, at the port or ports, place or places, where the fhip or veffel fhall have been cleared out, for the examination and infpection of every fuch officer or officers, under the penalty of one hundred pounds; and if fuch officer or officers fhall find any of the goods on board fuch fhip or veffel not to correpond with the cocquet or cocquets fo produced, he or they is and are hereby authorized and required to feize the faid goods, which fhall be forfeited; or if fuch officer or officers fhall difcover that any of the packages indorfed upon the cocquet or cocquets fo produced, are not on board the faid fhip or veffel, the mafter,

Penalty on mafters who fhall not deliver cocquets to the proper officer;

or whose cargo fhall not be agreeable thereto.

or

or other person having or taking the charge or command of the fhip or veffel, fhall forfeit the fum of twenty pounds for each and every package contained in fuch cocquet or cocquets, and not found.

XVIII. And be it further enacted by the authority aforefaid, That no entry fhall pafs, nor any debenture be made out, upon exportation to foreign parts from *Great Britain*, of any goods whatever, which are entitled either to drawback or bounty upon exportation, but in the name of the real owner or owners, or proprietor or proprietors of the goods, if they, or any of them, are refident in *Great Britain*; and that before fuch owner or owners, or proprietor or proprietors, fhall receive the drawback or bounty, or any allowance to which fuch goods may be entitled, or any part thereof, one or more of them, and not any broker or agent on his or their behalf, fhall, upon the debenture, verify, by oath, his or their fo being the real owner or owners, or proprietor or proprietors, of fuch goods, and alfo that the goods are really and *bona fide* exported to foreign parts, and have not been relanded in *Great Britain*; any law, custom, or ufage to the contrary notwithstanding: provided always, That fuch real owner or owners, or proprietor or proprietors of fuch goods, if he or they fhall not have purchafed or obtained a right to, or property in, the drawback to which fuch goods are intitled, fhall, and is and are hereby required, at the time fuch goods are entered for exportation, to acknowledge in writing under his or their hands upon the entry, the perfon or perfons who is or are intitled to fuch drawback; and fuch perfon or perfons fhall, after the requifites of this aft are fully complied with, receive fuch drawback; and the receipt of fuch perfon or perfons upon the debenture fhall be an acquittal and difcharge for fuch drawback: provided nevertheless, That nothing in this aft fhall extend, or be conftrued to extend, to hinder or prevent the agent of any corporation or company trading by a joint ftock from making oath, in the manner now by law allowed, to entitle fuch corporation or company to obtain any drawback or allowance upon the exportation of goods from *Great Britain*; nor to hinder or prevent any proprietor or proprietors of lands in any of his Majefty's colonies or plantations, nor any perfon or perfons whatever, from exporting from any place, other than that at which he or they refide, if fuch perfon or perfons fhall refide at a greater diftance than twenty miles from fuch place, any goods or commodities whatever; nor any perfon or perfons whatever from exporting from any place, other than that at which he or they refide, any goods whatsoever, of *British* manufacture, (being the property of fuch perfon or perfons), by and in the name of an agent, and fuch agent is hereby authorized to do and perform every aft and thing, to entitle the real proprietor or proprietors of the goods to all and every bounty, drawback, or allowance, due by law upon the exportation of fuch goods, and to recover the fame in as full and ample manner as if the real proprietor or proprietors was or were to aft therein;

Debentures on exportation of goods entitled to drawback, or bounty, to be made out in the names of the real owners.

Companies trading by a joint ftock may employ an agent, etc.

therein; provided fuch agent fhall testify upon oath, on the back of the debenture, over and befides what is already by law required to be testified upon oath before the collector or comptroller, or other chief officer of the customs, (who is and are hereby authorized to adminifter the fame), the name or names of the real proprietor or proprietors of the goods, and his or their known place of abode, and fhall, if required by the faid collector or comptroller, or other chief officer, give good and fufficient reafon for his knowledge of the place to which the goods are intended to be exported.

XIX. Provided always, and it is hereby further enacted by the authority aforefaid, That, from and after the twenty-ninth day of *September*, one thoufand feven hundred and eighty-fix, no bounty or premium fhall be paid or allowed for or upon any goods whatfoever exported from this kingdom to *Ireland*, and that no drawback, bounty, or premium fhall be paid or allowed for or upon any goods whatever exported from this kingdom to the iflands of *Guernfey* or *Ferfey*, nor any debenture made out for fuch drawback, bounty, or premium, until a certificate fhall be produced, under the hands and feals of the collector, comptroller, andurveyor of the customs, or any two of them, belonging to fuch port in *Ireland*, or from the register of certificates, or other chief officer of the customs in the faid iflands of *Guernfey* or *Ferfey*, as fuch goods fhall have been refpectively landed at, certifying that the goods have been duly landed there; any law, custom, or uſage to the contrary notwithstanding.

XX. And be it further enacted by the authority aforefaid, That no goods whatever, intituled to either drawback, bounty, or premium, fhall be carried or put on board any ſhip or veſſel whatever for exportation to foreign parts by any perſon or perſons whatever, (except the proper officers of the revenue), other than fuch perſon or perſons as fhall be authorized for that purpoſe, by licence under the hands of the commiſſioners of his Majeſty's customs, or any four or more of them, for the time being, who are hereby authorized to grant the fame, and to require fuch ſecurity as they may deem neceſſary, by bond or otherwiſe, to be given by the perſon or perſons to whom they fhall grant fuch licence, for the actual delivery of the whole of the goods on board fuch ſhip or veſſel to the officers of the revenue ſtationed on board, and for the faithful and incorrupt dealing, in every reſpect of fuch perſon or perſons in regard to fuch goods; which ſaid perſons ſo to be licensed as aforeſaid, ſhall and are hereby required, upon carrying fuch goods on board any ſhip or veſſel, to give clear and full information thereof, in writing, to the maſter, or other perſon then in charge of fuch ſhip or veſſel, for the better enabling the maſter to give notice, as required by this act, previous to his clearing out with drawback or bounty goods; which licence, when granted by the commiſſioners of the customs, ſhall not be withdrawn by them, or the operation under the ſame in any manner hindered, obſtructed or prevented, unleſs either the perſon or perſons to whom ſuch licence ſhall have been granted, or ſome other perſon or perſons employed

From Sept. 29, 1786, no bounty, etc. to be paid for goods exported to Ireland, Guernfey, etc. without a proper certificate.

Goods intituled to drawback, etc. by whom to be put on board.

by them, and with his or their privity or consent, shall commit some act against any law now made, or hereafter to be made, to secure the revenue of customs or excise, and shall be convicted thereof, in which case the said commissioners shall and are hereby authorized and required to withdraw such licence.

To whom licences for that purpose shall be granted.

XXI. Provided always, and be it further enacted by the authority aforesaid, That the commissioners of his Majesty's customs shall, and are hereby required to grant such licence as aforesaid to all and every person and persons who is or are now, by law, intitled to carry or put on board such goods, and who shall give such security as the said commissioners, or any four or more of them, shall deem necessary, and to no other person or persons whatever.

Penalty on masters of vessels who shall neglect to bring to at the usual places appointed for stationing of officers of the revenue.

XXII. *And whereas it has frequently happened, That ships or vessels, as well bound to Great Britain from foreign parts, as from Great Britain to foreign parts, have passed the usual places appointed for stationing officers of the revenue on board of vessels, and for relieving or landing such officers, without bringing to for such purpose;* be it therefore enacted by the authority aforesaid, That the master, or other person having or taking the charge or command of any ship or vessel coming or arriving from foreign parts, shall not presume to pass such usual places, or such other places as may hereafter be appointed for that purpose by the commissioners of his Majesty's customs, or any four or more of them, for the time being, without bringing to and receiving the revenue officers on board; or, being out-ward bound for foreign parts, shall not presume to pass without bringing to at such usual places, or such places as shall be appointed as aforesaid, for the purpose of the cargo being examined, and of relieving or landing such officers, unless in case of unavoidable necessity or distress of weather, or other unavoidable accident, to be made appear to the satisfaction of the commissioners of the customs; and that every such master, or other person, who shall so pass without bringing to for the purposes aforesaid, either inward or outward-bound, shall, for each and every such offence, forfeit and lose the sum of one hundred pounds.

Revenue officers on board to have free access to the cabin, and may open locks, etc.

XXIII. And be it further enacted by the authority aforesaid, That from and after the passing of this act, any officer or officers of his Majesty's revenue, properly authorised to examine any ship or vessel, or the cargo on board thereof, shall, at all times, have free access to the cabin, and every other part or place in such ship or vessel; and in case any places within the cabin, fore-castle, steerage, or any other part of the ship, or any boxes, chests, or other thing contained therein, shall be locked, or in any manner fastened, and the keys shall be withheld, or the places shall not be opened for such officers respectively, on their requiring the same of the master, or other person having or taking the charge or command of such ship or vessel, such officer or officers, if they are of a degree superior to tidemen or watermen, shall, and are hereby authorized and empowered to open the same in the best manner they can, and

are

are hereby indemnified in ſo doing; but if ſuch officers ſhall only be in the claſs of tideſmen or watermen, they ſhall, and are hereby required to ſend for their ſuperior officer, who is hereby in like manner authorized to open, or cauſe the ſame to be opened; and ſhall be, and is and are hereby indemnified in ſo doing.

XXIV. *And whereas, by an act paſſed in the ninth year of his preſent Maſteſty's reign, (intituled, An act for better ſecuring the duties of cuſtoms upon certain goods removed from the out ports, and other places, to London; for regulating the fees of the officers of his Maſteſty's cuſtoms, in the province of Senegambia in Africa; for allowing to the receivers general of the duties on offices and employments in Scotland a proper compenſation for their trouble and expences; for the better preſervation of hollies, thorns, and quickſets, in foreſts, chaſes, and private grounds, and of trees and underwoods in foreſts and chaſes; and for authoriſing the exportation of a limited quantity of an inferior ſort of barley, called Bigg, from the port of Kirkwall in the iſlands of Orkney), it is amongſt other things enacted, That no Nanquin cloth, muſlins, foreign callicoës, or foreign dimity, exceeding in quantity one intire piece; and no china earthenware, exceeding in number twelve pieces, (if the ſame ſhall have been imported or ſeized at any out port in Great Britain), ſhall be brought, removed; or carried, either by land or by water, from any out port, or other place whatſoever, in Great Britain, into the port of London, or the members thereof, or to any place whatever, within the diſtance of twenty miles from the Royal Exchange of London, without a certificate from the collector, or other proper officer of his Maſteſty's cuſtoms, at the port or place where ſuch goods were imported or ſeized, certifying that the duties upon the importation of ſuch goods have been duly paid or ſatisfied, or that the ſaid goods have been before compounded for, or condemned, which facts ſhall be verified by the oath of the importer or proprietor thereof, referring to the times when, and the place where, ſuch goods were entered, condemned, or compounded for; and if ſuch goods ſhall have been imported or ſeized within the port of London, and ſent from thence to any out port for ſale, they ſhall not be removed as aforeſaid from any out port into the port of London, or the members thereof, or to any place whatſoever within the diſtance of twenty miles from the Royal Exchange of London, without a certificate from the collector or other proper officer of his Maſteſty's cuſtoms, at or neareſt to the port or place from whence ſuch goods are intended to be removed, certifying that the owner or proprietor of ſuch goods hath made oath before him, that the ſaid goods, and every part thereof, had been ſent to ſuch owner or proprietor from London, for ſale, in the lawful way of trade, referring to the time when, with the name and reſidence of the perſon from whom, ſuch goods were ſent, and that ſuch owner or proprietor verily believed the duties payable upon the importation of ſuch goods had been duly paid and ſatisfied, or that the ſaid goods had been before compounded for or condemned; and the ſaid reſpective certificates ſhall expreſs the quantity and quality of the ſaid goods, with the marks of*

the package thereof, to what places, and to whom, the same are con- signed, and by what carriage the same are intended to be removed; and, if the said goods are removed by land, the said certificate shall also exprefs and limit the time for which the same shall continue in force: and whereas further regulations are necessary, to attain the good purposes intended by the said act: be it therefore enacted by the authority aforesaid, That, from and after the passing of this act, no goods or commodities whatever, of the growth, pro- duction, or manufacture of the countries beyond the Cape of Good Hope, shall in any manner, or upon any pretence whatever, be brought, removed, carried, or conveyed, either by land or by water, from any place whatever, into the cities of London and Westminster, and the liberties thereof, or the borough of Southwark, and the several suburbs thereof, or into the parishes of Saint Mury le bon, and Saint Pancras, in the county of Middlesex, without a certificate, as directed by the said last recited act, made in the said ninth year of his present Majesty's reign, or without a certificate from the collector or other proper officer of his Majesty's customs in the port of London, certifying that the duties have been duly paid for the same at the importation thereof, or that the same have been before compounded for or condemned; which shall be verified by the oath of the proprietor or proprietors of such goods, referring to the time or times when such goods were entered, compounded for, or condemned, under the penalty of the forfeiture of all such goods, and of the packages, which shall be so brought, removed, carried, or conveyed into, or which shall be found carrying, conveying, or removing to, the said cities and places aforesaid, or any of them, with intent to bring such goods into some or one of the cities or places aforesaid without such certificate as before directed, together with the boats, carts, horses, cattle, and carriages, made use of in the removal, carriage, or conveyance of the same, and the furniture belonging thereto.

No goods, the growth or manufacture of any country beyond the Cape of Good Hope, shall be brought into London or Westminster, etc. without a proper certificate that the duties have been duly paid, etc.

The proof of the place to which such goods were removing to lie on the claimer.

In certain cases such goods may be removed without forfeiture thereof.

XXV. And be it further enacted by the authority aforesaid, That if, from and after the passing of this act, any dispute shall arise, touching the place to which such goods or commodities, as aforesaid, were removing, carrying, or conveying, the claimer or claimers of such goods or commodities shall prove that they were removing, carrying, or conveying to some place, other than the cities and places aforesaid; and that the proof of their being removing, carrying, and conveying to the cities and places aforesaid, shall not lie on the officer who shall seize or stop such goods.

XXVI. Provided always, and it is hereby enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to forfeit any of the aforesaid commodities, which shall be removed, or found removing, as before mentioned, if it shall appear, to the satisfaction of the commissioners of the customs, that such goods were bought in a lawful and open way of trade, or are the property of private persons, and have been used as their domestick furniture.

XXVII. And

XXVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commanders of any of his Majesty's ships or vessels of war, or any commissioned warrant or petty officer, specially authorized by them, to seize, without having any deputation or commission from the commissioners of his Majesty's customs or excise for that purpose, any goods or commodities whatever, or any ships or vessels whatever, which shall be subject to forfeiture by this act, or by any other act or acts of parliament now in force, for any offence against the revenue of customs or excise: provided the commander of such ship or vessel of war shall bring, or cause to be brought, every such seizure to his Majesty's warehouse at the nearest custom-house to which such seizure can conveniently be brought, and shall there lodge and deposit the same, in the custody, and under the charge and care of the proper officer of the customs, in case the seizure shall be made under any act for securing the revenue of customs, or in the custody, and under the charge and care of the proper officer of excise, in case it shall be made under any act for securing the revenue of excise only; and shall, in all respects, in regard to the prosecution or delivery of any such seizure, conform to all and each and every of the rules, regulations, and restrictions to which the officers of his Majesty's customs and excise are now, in case of such seizures made by them respectively, subject; any law, custom, or usage to the contrary notwithstanding.

Commanders of his Majesty's ships of war, etc. may seize any vessels or goods subject to forfeiture.

XXVIII. *And whereas great difficulties have arisen in ascertaining the truth of facts relative to his Majesty's revenue of customs, as well as to the conduct of the officers employed therein, upon examinations and inquiries made by the surveyors general of the customs;* be it therefore enacted by the authority aforesaid, That, from and after the passing of this act, any person or persons examined before them as a witness or witnesses, or any or either of them, respectively, shall deliver his, her, or their testimony upon oath, to be administered by the surveyor general, or surveyors general respectively, who shall examine them; and such surveyor or surveyors general are hereby authorized to administer such an oath accordingly; any law, custom, or usage to the contrary notwithstanding.

Witnesses to be examined on-oath before the surveyors general of the customs.

XXIX. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall be convicted of making a false oath, touching any of the facts directed or required by this act to be testified on oath, or of giving false evidence, on his, her, or their examination on oath before the surveyors general of the customs, or any one or more of them, respectively, in conformity to the directions of this act, such person or persons so convicted as aforesaid shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Persons making a false oath, etc. to be deemed guilty of perjury.

XXX. And be it further enacted by the authority aforesaid, That all penalties and forfeitures created and incurred by this act, shall and may be sued for, prosecuted, recovered, and disposed

Penalties and forfeitures how to be recovered and applied.

posed of, in fuch manner, and by fuch ways, means, and methods, as any penalties incurred, or any goods or veffels forfeited for any offence againft the laws of customs, may now legally be fued for, profecuted, recovered, and difpofed of; and the officer or officers concerned in feizures or profecutions under this act, fhall be entitled to, and receive fuch fhare of the produce arifing from the feizures as they are now by law entitled to upon profecutions of feizures for unlawful importation, and to fuch fhare of the produce arifing from any pecuniary fine, or penalty, or compofition, paid for any offence againft this act, as they are now by any law or regulation entitled to upon profecutions for pecuniary penalties.

If in a trial for feizure of goods, where in a verdict fhall be given for the claimer, there fhall appear to have been probable caufe for fuch feizure, the defendant fhall not be intitled to cofts, etc.

XXXI. And be it further enacted by the authority aforefaid, That, from and after the paffing of this act, in cafe any information fhall be commenced and brought to trial, on account of the feizure of any goods, or of any fhip, boat, or other vefsel, or of any horfe, cattle or carriage, as forfeited by this or any other act of parliament relating to his Majefty's customs or excife, or other his Majefty's revenues, wherein a verdict or fentence fhall be given for the claimer thereof, and it fhall appear to the judge, juftice, or court, before whom the fame fhall be tried or heard, that there was a probable caufe of feizure, the judge, juftice, or court before whom the fame fhall be tried or heard, fhall certify on the record or other proceedings that there was a probable caufe for the profecutor's feizing the faid goods, fhip, boat, or other vefsel, horfe, cattle, or carriage; and in fuch cafe the defendant fhall not be entitled to any cofts of fuit whatfoever, nor fhall the perfons who feized the faid goods, fhip, boat, vefsel, horfe, cattle, or carriage, be liable to any action, or other fuit or profecution, on account of fuch feizure; and in cafe any action, or other fuit or profecution, fhall be commenced and brought to trial or hearing againft any perfon or perfons whatfoever, on account of the feizing any fuch goods, fhip, boat, vefsel, horfe, cattle, or carriage, where no information fhall be commenced or brought to trial to condemn the fame, and a verdict or fentence fhall be given, upon fuch action or profecution, againft the defendant or defendants, if the court or judge before whom fuch action or profecution may be brought fhall certify, in like manner as aforefaid, that there was a probable caufe for fuch feizure, then the plaintiff, befides his goods, fhip, boat, vefsel, horfe, cattle, or carriage fo feized, or the value thereof, fhall not be entitled to above two-pence damages, nor to any cofts of fuit, nor fhall the defendant in fuch profecution be fined above one fhilling.

Commencement of this act.

XXXII. And be it further enacted by the authority aforefaid, That the feveral regulations in this act contained, except where the time for commencement thereof is otherwife in this act fixed and provided for, fhall commence from and after the following periods; *videlicet*, In refpect to fhips or veffels coming from any part of *Europe*, from and after the twenty-fifth day of *December*, one thoufand feven hundred and eighty-fix; in refpect

ſpect to ſhips or veſſels coming from any part of *Africa* or *America*, from and after the twenty-ninth day of *September*, one thouſand ſeven hundred and eighty-ſeven; and in reſpect to ſhips and veſſels coming from *Aſia*, from and after the twenty-fifth day of *March*, one thouſand ſeven hundred and eighty-eight.

XXXIII. *And whereas, by an act of parliament made in the third year of the reign of his preſent Maſteſty, (intituled, An act for the further improvement of his Maſteſty's revenue of cuſtoms; and for the encouragement of officers making ſeizures; and for the prevention of the clandestine running of goods into any part of his Maſteſty's dominions), it is, amongſt other things, enacted, That it ſhall and may be lawful to and for the commiſſioners of his Maſteſty's cuſtoms to cauſe all ſhips, veſſels, and boats, and all goods, of what kind ſoever they may be (excepting only ſuch veſſels, boats, and goods as are by law liable to be burnt), which ſhall be ſeized by any officers of the cuſtoms for unlawful importation, or for nonpayment of duties, or for any other cauſe of forfeiture, and condemned, according to law, to be ſold publickly to the beſt bidder, at ſuch places as the ſaid commiſſioners ſhall think proper: and whereas, by an act made in the fourth year of the reign of his preſent Maſteſty (intituled, An act for granting certain duties in the Britiſh colonies and plantations in America; for continuing, amending, and making perpetual, an act paſſed in the ſixth year of the reign of his late maſteſty King George the Second, (intituled, An act for the better ſecuring and encouraging the trade of his Maſteſty's ſugar colonies in America); for applying the produce of ſuch duties, and of the duties to ariſe by virtue of the ſaid act, towards defraying the expences of defending, protecting, and ſecuring, the ſaid colonies and plantations; for explaining an act made in the twenty-fifth year of the reign of King Charles the Second, (intituled, An act for the encouragement of the Greenland and Eaſtland trades, and for the better ſecuring the plantation trade); and for altering and diſallowing ſeveral drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the ſaid colonies and plantations, and improving and ſecuring the trade between the ſame and Great Britain); it is, amongſt other things, enacted, That all forfeitures and penalties inſiſted by that or any other act or acts of parliament, relating to the trade and revenues of the Britiſh colonies or plantations in America, which ſhall be incurred there, ſhall and may be proſecuted, ſued for, and recovered in any court of record, or in any court of admiralty, in the ſaid colonies or plantations where ſuch offence ſhall be committed, or in the court of vice admiralty, which may or ſhall be appointed over all America; which court of admiralty, or vice admiralty, are thereby reſpectively authoriſed and required to proceed, hear, and determine the ſame, at the election of the informer or proſecutor; but the ſaid laſt recited act not having given any directions by whom ſhips and goods ſo ſeized and proſecuted in the ſaid Britiſh colonies or plantations ſhall be ſold, after the condemnation thereof, and it being expedient that the ſame ſhould be ſold, by the officers of his Maſteſty's revenue,*

From Sept. 29, 1786, all vessels and goods seized and condemned in the British colonies in America, shall be sold there by public auction.

in like manner as they are sold in Great Britain: in order, therefore, to obviate any doubts that have arisen or may arise in such cases, it is hereby further enacted by the authority aforesaid, That from and after the twenty-ninth day of *September*, one thousand seven hundred and eighty-six, all ships and vessels, and all goods, of what kind soever they may be, which shall be seized in pursuance of any act or acts made in *Great Britain*, relative to the trade and revenue of the said *British* colonies or plantations, and which shall be condemned there, in any court having jurisdiction to try and determine the same, shall be sold by publick auction to the best bidder, at the custom-house, by the collector and comptroller, or other principal officer of the customs, for the island, colony, or plantation, in whose custody such ship, vessel, or goods shall be lodged and secured; and the produce of such sale shall be accounted for and applied by such collector and comptroller, or other principal officer of the customs, according to law, subject to the orders and directions of the commissioners of his Majesty's customs in *England*, or any four or more of them; any law, custom, or usage, to the contrary notwithstanding.

C A P. XLI.

An act for the further support and encouragement of the fisheries carried on in the Greenland seas and Davis's Streights.

Preamble.

WHEREAS the fisheries carried on in the *Greenland seas* and *Davis's Streights* have been raised, by the bounties and encouragements already given, to a very flourishing condition: and whereas the said bounties will cease and expire on the twenty-fifth day of *December*, one thousand seven hundred and eighty-six, and it will be proper further to encourage and support the said fisheries, by granting, to ships employed therein, such other bounties as the present state of the publick revenue may justify, and the nature and condition of the said fisheries appear now to require: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, for and during the space of five years, to be computed from the said twenty-fifth day of *December*, one thousand seven hundred and eighty-six, the bounties herein-after mentioned shall be paid and allowed under the several rules and restrictions herein-after expressed and directed; (that is to say), Every *British*-built ship or vessel, owned by a *British* subject or *British* subjects usually residing in *Great Britain*, or in the islands of *Guernsey*, *Jersey*, or *Man*, which shall, within the time limited by this act, proceed from any port of *Great Britain*, or the islands aforesaid, on the whale fishery, to the *Greenland seas*, or *Davis's Streights*, or to the seas adjacent, and which shall be manned and navigated with a master, and three fourths of the mariners at least, being *British* subjects, usually residing in *Great Britain*, *Ireland*, or in the islands aforesaid, shall, before

For five years from Dec. 25, 1786, British ships going on the whale fishery must be visited by an officer of the customs, who shall certify the admeasurement, etc. to the commissioners.

fore the proceeds on such voyage, or be intitled to the benefits of this act, be visited by the proper officer or officers of the customs belonging to such port, who shall examine into such ship or vessel and take an account of the tonnage thereof by admeasurement, and shall certify such his or their visitation, and examination and admeasurement, to the commissioners of his Majesty's customs; and if it appears by the certificate of such officer or officers that she hath on board such a number of men, provisions, boats, fishing lines, and instruments to be used in such fishery, as herein-after are mentioned; that she is strongly built, and otherwise a proper ship for such voyage and fishery, and hath on board, among her crew, a sufficient number of harpooners, steersmen, and line managers, who have before been employed in such voyages, (the names of such persons to be contained in such certificate); and if it further appears, by the oath of one or more owner or owners, and of the master or chief officer of such ship or vessel, written at the foot of such certificate, and made before the principal officers of the customs of such port, or any two of them, whereof the collector shall be one, (who are hereby impowered and required to administer the same), that it is really and truly their firm purpose and determined resolution that such ship shall, as soon as licence shall be granted, forthwith proceed, so manned, furnished, and accoutred, on a voyage to the *Greenland* seas, or *Davis's Streights*, or the seas adjacent, and there, in the then approaching season, to use the utmost endeavours of themselves, and their ship's company, to take whales, or other creatures living in the sea, and on no other design or view of profit in such voyage, and to import the whale fins, oil, and blubber thereof, into the kingdom of *Great Britain*, (naming the port thereof to which it is their intention to return); and if the master, after such certificate had and oath made, do also become bound, with two sufficient securities, unto his Majesty, his heirs and successors, in the penalty of such sum as shall be equal to treble the bounty granted by this act, (which bond the said collector, with the approbation of the comptroller, is hereby, as far as relates to the bounties granted by this act, authorized to take, and which is to be in force, for the term of three years, against the master and sureties, for the faithful dealings of the said master and ship's company in regard to the said ship and voyage), then, and in all such cases, it shall and may be lawful for any three or more of the commissioners of the customs in *England* and *Scotland* respectively for the time being, on receiving such certificates and oaths made, and it being certified to them by the collector and comptroller of such port, that sufficient security hath been given as aforesaid, to give and grant, and they are hereby required to give and grant to the master and owners of such ship, full licence and authority to proceed on such voyage as aforesaid.

If such certificate proves the ship is fit for the voyage,

and if oath is made of the intention to proceed forthwith thereon,

and to import the whale fins, etc. into Great Britain,

the commissioners, on security being given, may grant licence to the ship.

II. And, to prevent any disputes that may arise, whether a ship be properly qualified and duly fitted out for the whale fishery, according to the

What number of men, fishing lines, &c. must be on board.

the true intent and meaning of this act, and intituled to a certificate thereof from the custom-house officers; it is hereby enacted, That every ship of the burthen of two hundred tons, designed for this fishery, shall and is hereby obliged to have on board forty fishing lines of one hundred and twenty fathom each, forty harpoon irons, four boats, with seven men at the least (including an harpooner, a steersman, and a line manager) to each boat, making in the whole twenty-eight men, besides the master and surgeon, with six months provisions at the least for such number of men; and every ship of larger burthen, an increase of six men, one boat, ten such lines, and ten harpoon irons more, for every fifty tons above the said two hundred tons, together with provisions in proportion; and every ship which shall be so employed in the said fishery, shall have on board apprentices indentured for the space of three years at the least, who shall not exceed the age of eighteen years, nor be under fourteen years of age at the time they shall be so indentured, in the proportion of one apprentice at the least for every thirty-five tons burthen, and one fresh or green man for every fifty tons burthen, which apprentices and fresh or green men shall be accounted in the number of men required to be on board such ship as aforesaid.

The officer of the customs, on return of the ship to Great Britain, shall make a report of her condition, &c.

III. And be it further enacted by the authority aforesaid, That on the return of such ship to the port of *Great Britain*, to which one or more of the owners and the master thereof had declared on oath their intention to return, the proper officers of the customs, at such port, shall immediately repair on board and view the condition of such ship and her lading, and certify the same, together with their observations thereon, as also the real tonnage of the said ship; and the said officers are also to take an account or schedule of the names of the master, mate, and other persons on board, distinguishing therein the harpooners and persons more immediately employed in the said fishery, and to certify the same; and the master and mate shall make oath before the principal officers of the customs, or any two of them, whereof the collector shall be one as aforesaid (who are hereby impowered and required to administer the same), that they did, in pursuance of the licence granted as aforesaid (mentioning the day of their departure), proceed in a voyage directly to the places aforesaid, and have not since been on any other voyage, or pursued any other design or view of profit; and that they did there (mentioning the time of their stay in those seas) use the utmost endeavour of themselves and their ship's company to take whales and other creatures living in those seas, and that all the whale fins, oil, and blubber, imported (if any) in such ship, were really and *bona fide* caught and taken in the said seas, by the crew of such ship or vessel only, or with the assistance of the crew of some other *British*-built ship or vessel licensed for that voyage, pursuant to the directions of this act, which oath shall be endorsed on, or annexed to the licence aforesaid; and the said schedule, certificate, licence, and oath, shall be transmitted by the collector and comptroller of such port to the respective commissioners

and oath shall be made of her not having deviated from the conditions on which the certificate was granted;

which documents shall be transmitted to the commissioners, who

commissioners for that part of *Great Britain* where such ships or vessels shall arrive; and such commissioners, being fully satisfied of the faithful dealings of the master and other persons employed in such ships or vessels, with respect to such voyage and fishery, shall, on demand, cause payment to be made to the master or owners, or to his or their assigns, by the receiver-general of the customs for that part of *Great Britain* where such ships or vessels shall arrive, a bounty or premium of thirty shillings *per ton*, according to the admeasurement of every such ship or vessel duly certified as aforesaid.

shall order a bounty of 30s. per ton.

IV. Provided always, and it is hereby further enacted by the authority aforesaid, That no person or persons shall be allowed or entitled to receive the bounty herein-before granted, for any ship which shall proceed upon the said whale fishery, from any part of *Great Britain*, or the islands of *Guernsey*, *Jersey*, or *Man*, after the said twenty-fifth day of *December*, one thousand seven hundred and eighty-six, unless such ship shall sail from the port where she shall be surveyed and cleared, directly on her intended fishery, on or before the tenth day of *April*, in each and every year, and shall continue with her crew in the *Greenland* seas, or *Davis's Streights*, or the adjacent seas, diligently endeavouring to catch whales, or other creatures living in those seas, and shall not depart from thence before the tenth day of *August* then following, unless such ship, if she be of the burthen of three hundred tons, shall be laden with thirty tons of oil, or blubber in proportion thereto, the blubber to be rated with respect to the oil as three to two, and one ton and a half of whale fins; or if she be of greater or less burthen, with a quantity of oil or blubber, and whale fins, in like proportion to the tonnage for which every such ship shall be intitled to the bounty, being the produce of one or more whale or whales caught by the crew thereof, or with the assistance of the crew of some other licensed ship, before that time, or shall be forced by some unavoidable accident or necessity to depart sooner from those seas; which accident or necessity shall be verified on the oaths of the master and mate belonging to such ship, upon her return from the said fishery, before the principal officers of the customs, or any two of them, (whereof the collector shall be one), at the port where she shall arrive, who shall transmit the same, together with the schedule, licence, and other documents by this act required, to the respective commissioners of the customs for that part of *Great Britain* where such ship shall arrive.

No person shall be intitled to the bounty, unless the ship sails from the port of survey before April 10, yearly, and continues fishing till Aug. 10, following, unless laden with the quantities of oil, &c. herein specified;

V. And be it further enacted by the authority aforesaid, That in case it shall happen, during the continuance of this act, that any ship or vessel shall not sail from the port where she shall be surveyed and cleared, directly on her intended fishery, on or before the said tenth day of *April* in any year, provided it shall be made appear to the satisfaction of the commissioners of his Majesty's customs in *England* and *Scotland* respectively, that such ship or vessel was properly qualified and duly fitted out, according to the directions of this act, and surveyed, cleared, and ready for

or forced by unavoidable accident to depart sooner, which shall be verified on oath, and transmitted with the other documents to the commissioners of the customs.

If a ship ready for sailing by April 10, is by unavoidable necessity prevented from sailing till April 25,

for failing, before the faid tenth day of *April*, but was prevented from failing by fome unavoidable impediment or neceffity, but fhall actually have failed on or before the twenty-fifth day of *April* in every fuch year, it fhall and may be lawful for the faid commiffioners, or any four or more of them in *England*, or any three or more of them in *Scotland*, to pay the bounty for fuch fhip or veffel, in like manner as if fuch fhip or veffel had actually failed on or before the faid tenth day of *April*.

the bounty
may be paid.

Bounties to be
paid out of
any monies
in the hands
of the re-
ceiver ge-
neral.

VI. And be it further enacted by the authority aforefaid, That it fhall and may be lawful to and for the commiffioners of the customs in *England* and *Scotland* refpectively, to order the refpective receivers general of the customs, in cafe the monies remaining in their hands arifing from the old fubfidy, fhall not be fufficient, at any time or times during the continuance of this act, to fatisfy the faid bounty of thirty fhillings *per ton*, payable on all fhips employed in the faid fifhery, according to the direCTIONS of this prefent act, to pay the fame out of any monies that fhall be in their hands, arifing from any of the duties and reve- nues under their management refpectively.

Ships of 150
tons burthen
entitled to the
bounty.

VII. And whereas it hath been found by experience, that fhips of one hundred and fifty tons burthen are fit for the faid fifhery; be it therefore enacted and declared by the authority aforefaid, That every owner or owners of any fhip or fhips of one hundred and fifty tons burthen, which fhall be employed in the faid fifhery, who have conformed themfelves, in proportion to their tonnage, to the rules and direCTIONS herein-before pre- fcribed to the owners of fhips of greater burthen, fhall be intitled to the faid bounty, according to the admeafurement of fuch fhip or fhips refpectively, provided fuch admeafurement be not lefs than one hundred and fifty tons.

No fhip fhall
be entitled to
a larger boun-
ty than for
400 tons,
and only for
five years
from Dec. 25,
1786;
and if not
employed in
the fifhery
before that
day, not
larger than for
300 tons.

VIII. Provided always, and be it enacted by the authority aforefaid, That no fhip or veffel at this time employed in the faid fifhery, although fhe be above the burthen of four hundred tons, fhall be entitled to a larger bounty than a fhip of four hundred tons would be entitled to, and that fhe fhall continue to enjoy the fame for the fpace of five years, and no longer, from the faid twenty-fifth day of *December*, one thoufand feven hundred and eighty-fix, in cafe fuch fhip or veffel fhall not be worn out, or have ceafed before that time to carry on the faid fifhery; and that no fhip or veffel which fhall not, before the twenty-fifth day of *December*, one thoufand feven hundred and eighty-fix, have been employed in the faid fifhery, although fuch fhip or veffel fhall be above the burthen of three hundred tons, fhall be entitled to a larger bounty than a fhip or veffel of three hundred tons would be entitled to.

Ships of more
than 400
tons, or 300
tons, need
not be fitted
out but as of
thofe bur-

IX. Provided alfo, That nothing in this prefent act contained fhall extend, or be conftrued to extend, to oblige the owner or owners of any fhip or veffel above the burthen of four hundred tons, or three hundred tons refpectively before-mentioned, to fit out, equip, and man any fuch fhip, otherwife than as a fhip or veffel of the burthen of four hundred tons, or three hundred tons

tons refpectively, according to the directions of this act, in order to entitle him or them to the bounty herein-before granted.

X. And be it further enacted by the authority aforefaid, That no bounty granted by this act fhall be paid or allowed to any perfon or perfons whatever, on account of any fhip or vefel employed in the faid fifhery, unlefs a log book fhall have been conftantly kept on board fuch fhip or vefel, in which log book the various fituations and occurrences, refpecting fuch fhip or vefel, during the whole courfe of the voyage, fhall be inferted every day, and particularly the times when fuch fhip or vefel fhall have been in fight of land, diftinguifhing what land, and the bearings thereof, and the fupposed diftances therefrom, and the foundings; and alfo the time when, and the latitude in which, any whale, or other creature living in the fea, fhall have been killed, taken, or caught by the crew of fuch fhip or vefel; which log book, fo to be kept as aforefaid, fhall be delivered by the mafter, or other perfon having or taking the charge or command of fuch fhip or vefel, at the time of his making a report of fuch fhip or vefel, to the collector of the customs at the port in *Great Britain* where fuch fhip or vefel fhall arrive on her return from the faid fifhery, for his infpection and examination; and the faid mafter, or other perfon having or taking the charge or command of fuch fhip or vefel, together with the mate thereof, fhall jointly and feverally verify on oath the contents of fuch log book before fuch collector, who is hereby authorized and required to administer the fame.

then, to entitle them to the bounty. No bounty fhall be allowed to any fhip where a log book has not been properly kept;

which fhall be delivered to the collector of the customs, before whom the contents fhall be verified on oath.

XI. And be it further enacted by the authority aforefaid, That in cafe any fuch fhip or vefel fhall, in the courfe of her voyage, meet or fall in with any of his Majesty's fhips or vefels of war, the mafter, or other perfon having or taking the charge or command of her, fhall, and is hereby required to produce to the captain, or other officer commanding fuch fhip or vefel of war, the faid log book fo to be kept as aforefaid, and fuch captain or commanding officer fhall, and is hereby required to make a memorandum in fuch log book, of the day on which it was fo produced to him, and fhall fubfcribe his name to fuch memorandum, and fhall alfo make an entry in the log book of the faid fhip or vefel of war, of the name and difcription of the fhip or vefel on board of which the log book of fuch fhip or vefel fo produced to and figned by him was kept; and in cafe fuch fhip or vefel, on board of which a log book is fo required to be kept as aforefaid, fhall put into any foreign port, where there is or fhall be a *British* conful, or other chief *British* officer, the mafter, or other perfon having or taking the charge or command of fuch fhip or vefel, fhall, and is hereby required to produce fuch log book to fuch *British* conful, or other chief *British* officer, who fhall and is hereby required alfo to make a memorandum therein, of the day on which it was fo produced to him, and fhall in like manner fubfcribe the fame.

If a fhip of war is met at fea, the log book muft be produced to the captain, who muft make therein a memorandum of the production, &c.

and muft likewise be produced to the *British* conful at any foreign port.

XII. And be it further enacted by the authority aforefaid, That every fhip or vefel, owned by his Majesty's fubjects refiding

Ships fitted out from Ireland, agree-

able to the regulations of this act, shall be intitled to the bounty.

riding in *Ireland*, and fitted out from any port in that kingdom, which shall have complied with the conditions of this act, to be verified by certificates, in such manner, and under the like rules, regulations, and restrictions as are required, by any law in force before the passing of this act, to entitle ships or vessels, fitted out from *Ireland*, to the bounties then existing for the encouragement of the *Greenland* and whale fishery, shall, from and after the twenty-fifth day of *December*, one thousand seven hundred and eighty-six, be entitled to such and the same bounties as the like ships or vessels fitted out from *Great Britain*, or the islands aforesaid, shall be intitled to by virtue of this act.

XIII. *And whereas applications have heretofore been made to parliament for the bounty on ships or vessels employed in the said fishery that have happened to be lost at sea before their return to Great Britain, and a doubt hath arisen, whether the said bounty may be lawfully insured by the owner or owners of such ships; for obviating such doubt, and for preventing any future applications to parliament for the bounty on any such ships, be it declared and enacted by the authority aforesaid, That it shall and may be lawful for the owner or owners of any ship employed, or designed to be employed in the said fishery, to insure the bounty which such owner or owners would be entitled to upon the return of such ship to the port to which the master, and one or more of the owners of such ship or vessel, shall have declared, on oath, their intention to return; and on the performance of all other matters directed and appointed by this present act to be performed for obtaining the said bounty.*

The owners may insure the bounty in case of the loss of the ship.

XIV. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, for and during the time limited by this act, to import into Great Britain whale fins, oil, or blubber of whales, seal oil, or seal skins, or any other produce of seals, or other fish or creatures taken or caught in the said Greenland seas, or Davis's Streights, or in the seas adjacent, by British subjects, usually residing in Great Britain or Ireland, or the islands aforesaid, in British-built ships or vessels, owned and navigated as before required, in regard to the bounties granted by this act, without paying any custom, subsidy, or other duty, for the same; any law, custom, or usage to the contrary notwithstanding.*

Whale fins, &c. may be imported in British ships duty free;

but not unless oath is made that the cargo was caught by the crews of such ships.

XV. *Provided always, That nothing in this act contained shall extend, or be construed to extend, to give liberty of importing any of the before-mentioned articles duty-free, unless the master and mate of the ship or vessel importing the same shall first make oath before the principal officers of the customs, or any two of them, (of which the collector shall be one), in the port or ports of importation, (who are hereby respectively authorized and required to administer such oath), that all the whale fins, oil, or blubber of whales, seal oil, seal skins, or other produce of seals, or other fish or creatures imported in such ship or vessel, are really and bona fide the fins, oil, or blubber of whales, or the skins, oil, or other produce of seals, or other fish*

or

or creatures caught and taken in the said *Greenland* seas or *Davis's Streights*, or in the seas adjacent, by the crews of such ships or vessels only, owned, fitted out, and navigated as aforesaid.

XVI. And it is hereby further enacted by the authority aforesaid, That if any person or persons shall give or grant any false certificate for any of the purposes required or directed by this act, such person or persons shall forfeit the sum of five hundred pounds; and if any person or persons shall counterfeit, erase, alter, or falsify any certificate required or directed by this act, or shall knowingly or willingly make use of any false certificate, or of any certificate so counterfeited, erased, altered, or falsified, such person or persons shall, for every such offence, forfeit the sum of five hundred pounds, and every such certificate shall be invalid and of no effect.

Persons granting or using false certificates forfeit 500l.

XVII. And whereas the *Greenland fishery trade* cannot be carried on without a certain number of men particularly qualified to carry on the said fishery; be it therefore enacted by the authority aforesaid, That no harpooner, line manager, or boat steerer, who shall be in, or belong to, any ship or vessel in the *Greenland fishery trade*, and whose name (distinguishing the capacity in which the person so named is to act) shall be inserted in a list, which is hereby required to be delivered, on oath, by the owner of such ship or vessel to the collector of the customs at the port from which such ship or vessel is intended to proceed upon the said fishery, (which oath such collector is hereby impowered and required to administer), shall be impressed from the said service; and that any such harpooner, line manager, or boat steerer, may, during the time of the year that he or they are not employed in the said fishery, sail in the colliery trade, upon giving security, to the satisfaction of the commissioners of the customs, that he or they will proceed in the said ship or vessel to the *Greenland* seas, or *Davis's Streights*, on the whale fishery, the next season; and that every seaman or common mariner who, after the first day of *February*, in any year during the continuance of this act, shall be entered to serve on board any ship which shall be intended to proceed on the said fishery in the following season, whose name shall be inserted in a list to be delivered as aforesaid, and who shall have given security to the satisfaction of the commissioners of the customs to proceed, and shall proceed accordingly, shall be privileged and exempt from being impressed from or out of the said service from the said first day of *February*, till after the expiration of the then next season for the said fishery, and until the voyage home from thence shall be fully complete and ended, and no longer; any law, custom, or usage to the contrary notwithstanding.

No harpooner, &c. shall be impressed;

but may, when unemployed therein, sail in the colliery trade, on giving security to return the next season. Common seamen protected till the end of the season after entry.

XVIII. And be it further enacted by the authority aforesaid, That the *Greenland* seas, and *Davis's Streights*, and seas adjacent, within the intent and meaning of this act, shall be deemed and taken to extend to the latitude of fifty-nine degrees thirty minutes north, and no farther.

Extent of the fishery.

XIX. And

Commissioners of the customstolay before parliament, annually, the amount of the number of ships, etc. employed.

XIX. And be it further enacted by the authority aforesaid, That the commissioners of his Majesty's customs for *England* and *Scotland* respectively shall, at the beginning of every session of parliament, lay before both houses of parliament an account in writing under their hands, of what number of ships or vessels have been employed in the whale fishery to *Davis's Streights*, and the *Greenland* seas, with their respective names and burthens, from whence they were fitted out, and at what port in *Great Britain* they were discharged; and also what quantity of oil or blubber, or whale fins, each ship or vessel shall have imported.

How penalties are to be appropriated.

XX. And it is hereby further enacted by the authority aforesaid, That one moiety of the penalties and forfeitures inflicted by this act shall be to the use of his Majesty, his heirs and successors, and the other moiety to such officer or officers of the customs as shall sue or prosecute for the same in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively, where the offence shall be committed.

General issue.

XXI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit, may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance of, and by authority of this act: and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinued his action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

Treble costs.

C A P. XLII.

An act for granting to his Majesty an additional duty upon battens and deals imported into Great Britain.

Most gracious Sovereign,

Preamble.

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, having taken into our most serious consideration your Majesty's most gracious speech to both houses of parliament, recommending the establishment of a fixed plan for the reduction of the national debt; and your faithful commons being desirous of obtaining that desirable object by the most easy and effectual means, have, towards that purpose, resolved to give and grant to your Majesty the several duties and impositions herein-after mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and

and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That, from and after the twelfth day of *June*, one thousand feven hundred and eighty-fix, there fhall be raifed, levied, collected, and paid, to and for the ufe of his Majefty, his heirs and fucceffors, for and upon the goods herein-after mentioned, over and above all customs, fubfidies, and duties already impofed and payable thereon, the feveral and refpective additional duties following; that is to fay, For every one hundred and twenty battens, imported or brought into the kingdom of *Great Britain*, the fum of five fhillings; and after that rate for any greater or lefs number of battens: and for every one hundred and twenty deals, imported or brought into the kingdom of *Great Britain*, the fum of twenty fhillings; and after that rate for any greater or lefs number of deals.

New duties
on battens and
deals imported:

II. And be it further enacted by the authority aforefaid, That the feveral duties herein-before granted fhall be under the management and direktion of the commiffioners of his Majefty's customs in *England* and *Scotland* refpectively, and fhall be paid down in ready money, without any difcount or abatement whatever, and fhall be drawn back, upon the due exportation of fuch goods refpectively to foreign parts; and the faid duties fhall be raifed, levied, collected, recovered, and paid, and the drawbacks allowed in the fame manner and form, and under the like reftrictions, penalties and forfeitures, and by fuch rules, ways and methods, as the former duties and drawbacks for fuch goods are refpectively raifed, levied, collected, recovered, and paid and allowed, as fully, to all intents and purpofes, as if the feveral claufes, powers, direktion, penalties and forfeitures, in any act or acts of parliament now in force relating thereto, were particularly repeated and again enacted in the body of this prefent act.

which fhall
be under the
management
of the com-
miffioners of
customs.

III. And be it further enacted by the authority aforefaid, That all the monies to arife by the duties and impofitions granted by this act (the neceffary charges of raifing and accounting for the fame excepted), fhall, from time to time, be paid into the receipt of his Majefty's exchequer at *Westminfter*, diftinct and apart from all branches of the publick revenue, and fhall be carried to, and made part of, the fund commonly called the *Sinking Fund*, and fhall be applicable to the fame ufes and purpofes as the faid finking fund is now applicable unto.

Application of
the duties.

IV. And whereas *ftanding contracts* may have been made before the *firft day of May*, one thousand feven hundred and eighty-fix, by the importers or proprietors of battens and deals for ferving perfons with fuch battens and deals, or either of thofe articles refpectively, to be delivered in point of time after the faid twelfth day of *June*, one thousand feven hundred and eighty fix; be it therefore enacted by the authority aforefaid, That, from and after the faid twelfth day of *June*, one thousand feven hundred and eighty-fix, the importers or proprietors of fuch battens and deals, or either of thofe articles refpectively, which fhall be delivered after the faid twelfth day of *June*, one thousand feven hundred and eighty-fix,

Claufe relative
to contracts
made before
May 1, for de-
livering bat-
tens, etc after
in June 12, 1786.

in purfuanee of fuch contracts, fhall be allowed to add the duties hereby charged upon fuch battens and deals, or either of thofe articles refpectively, and fhall be intituled by virtue of this act to be paid the fame accordingly.

Proviso.

V. Provided nevertheless, That the parties who have contracted to receive the laid goods fhall have the liberty to annul and cancel the bargains they have entered into, in cafe they chufe fo to do, rather than pay the laid addition of duties.

C A P. XLIII.

An act to continue and render more effectual an act, paffed in the twenty-firft year of his Majefty's reign, for the encouragement of the growth of hemp and flax, in that part of Great Britain called England.

Recital of act 7 Geo. 3. c. 58. and act 10 Geo. 3. c. 40. and act 21 Geo. 3. c. 58. and act 22 Geo. 3. c. 82. fo much of recited acts 21 and 22 Geo. 3. repealed, as relates to putting the management or diftribution of 8000l. or eight fifteenth parts of money, for the encouragement of raifing and drefling hemp and flax, under commissioners of trade and plantations, or committee of privy council, repealed. Grants for the encouragement of growth, etc. of hemp and flax put under management of the treafury. Bounties continued for 7 years. Claims for bounties to be exhibited to a juftice, to be laid before the quarter feffion. Claimants muft give bond that the bounties have been duly claimed. At every quarter feffions the bounties granted muft be publifhed, and the conditions required, on making fuch claims. And at Midfummer feffions, annually, the names, etc. of claimants publifhed. Treafury are to order receivers of the land tax to iffue money to the juftices to pay the bounties. Account of hemp fold to be delivered therewith, and receipt given to the feller by the buyer. All unfettled claims fhall be finally fettled at the firft quarter feffions after paffing this act. Annual account of hemp raifed, and bounties paid, fhall be laid before parliament. A reasonable allowance fhall be made to the clerks of the peace for their trouble. Recited acts of 7. 10. and 21 Geo. 3. continued. Continuance of this act, for 7 years, from March 25, 1787, and to the end of the next feffion.

C A P. XLIV.

An act for the further relief of debtors, with refpect to the imprifonment of their perfons; and to oblige debtors, who fhall continue in execution in prifon beyond a certain time, and for fums not exceeding what are mentioned in the act, to make difcovery of, and deliver upon oath, their eftates for their creditors benefit.

Preamble.

32 Geo. 2. c. 28.

WHEREAS it may be reasonable to extend the benefits of an act, paffed in the thirty-second year of the reign of his late majefty King George the Second, of glorious memory, intituled, An act for relief of debtors, with refpect to the imprifonment of their perfons; and to oblige debtors, who fhall continue in execution in prifon beyond a certain time, and for fums not exceeding what are mentioned in the act, to make difcovery of, and deliver upon oath, their eftates for their creditors benefit, to feveral perfons who have neglected to take the benefit of the fame, and alfo to feveral perfons who were not entitled to any benefit under the laid act: be it therefore enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons,

commons, in this present parliament assembled, and by the authority of the same, That, from and after the passing of this act, every person now or hereafter in execution for any sum or sums of money, not exceeding two hundred pounds, shall be entitled to such relief as by an act passed in the thirty-second year of his late majesty King George the Second, intituled, *An act for relief of debtors, with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the act, to make discovery of, and deliver upon oath, their estates for their creditors benefit*, is granted to persons charged in execution for any sum or sums of money not exceeding one hundred pounds.

The relief granted to debtors not exceeding 100l. by 32 Geo. 2. c. 28. extended to all not exceeding 200l.

II. And be it further enacted by the authority aforesaid, That every creditor or creditors, his, her, or their executors or administrators, at whose suit any debtor shall be charged in execution for any sum or sums not exceeding the sum of two hundred pounds, shall have such remedy, by compelling such debtor to deliver up his or her estate and effects for the benefit of his or her creditors, as is provided by the before recited act, in cases where the sum for which such debtor shall be in execution does not exceed the sum of one hundred pounds.

Creditors for less than 200l. may compel debtor to deliver up effects, etc.

III. And whereas many persons are often committed on attachments, for not paying money awarded to be paid under submissions to arbitration by rules of court, or under submissions to arbitration bonds, and which submissions have been made rules of the court, in pursuance of an act passed in the ninth and tenth years of the reign of William the Third, for determining differences by arbitration, and likewise for not paying of costs duly and regularly taxed and allowed by the proper officer, after proper demands made for that purpose; and also upon any writ of excommunicato capiendo, or other process for, or grounded on the nonpayment of costs or expences in any cause or proceeding in any ecclesiastical court; it is hereby declared and enacted, That all such persons are and shall be intitled to the benefit of this act, and subject to the same terms and conditions as are herein expressed and declared with respect to prisoners for debt only.

9. & 10 Gul. 3. c. 15.

IV. And be it further enacted, That all gaolers and keepers of prisons are hereby directed and required to give notice of this act to all persons in their custody for debt, within three days after such persons shall have been respectively committed or charged in execution, so as to make the same clearly and perfectly understood; and if any gaoler or keeper of a prison shall neglect to give such notice according to the true intent and meaning of this act, he shall forfeit and pay, to any person who shall sue for the same, the sum of fifty pounds, to be recovered by him or her by action of debt in any of his Majesty's courts of record at *Westminster*, wherein no effoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed; and in every such action the proof shall lie on the person against whom the same shall be brought: provided nevertheless, that

Gaolers to give notice of this act to all debtors in their custody, etc.

on penalty of 50l.

ſuch action ſhall be brought within ſix calendar months after the cauſe of action accrued.

Time allowed debtors for taking the benefit of the recited act extended.

V. And be it further enacted, That where any debtor as aforeſaid ſhall have neglected to take the benefit of the ſaid act, within the time limited by the ſaid act, and ſhall have remained in priſon for the ſpace of one year, and ſhall make it appear to the court out of which ſuch execution iſſued, that ſuch neglect aroſe from ignorance or miſtake, ſuch debtor ſhall then be entitled to take the benefit of the ſaid act, as if he or ſhe had taken the ſame within the time by the ſaid act ſo limited as aforeſaid.

Creditors may file interrogatories, etc.

VI. Provided always, That it ſhall be lawful for any creditor or creditors, at whoſe ſuit any debtor ſhall be ſo in execution as aforeſaid, to file interrogatories for the examination of ſuch priſoner, before his or her being admitted to take the benefit of this or the before recited act.

Not to extend to debts due to the crown, etc.;

VII. Provided always, That this act ſhall not extend to any debt or debts that may be owing to the crown, nor ſhall it affect any proceeding which at any time may be lawfully had under or by virtue of any commiſſion of bankrupt.

nor to Scotland.

VIII. Provided alſo, That this act, or any thing herein contained, ſhall not extend to that part of *Great Britain* called *Scotland*.

Continuance of this act.

IX. Provided alſo, That this act ſhall continue and be in force for five years, and from thence to the end of the then next ſeſſion of parliament, and no longer.

C A P. XLV.

An act to continue and amend an act, made in the twenty-fifth year of the reign of his preſent Maſteſty, for the encouragement of the pilchard fiſhery, by allowing a farther bounty upon pilchards taken, cured, and exported.

Preamble.
25 Geo. 3. c.
58.

WHEREAS by an act of parliament, made in the twenty-fifth year of the reign of his preſent Maſteſty, intituled, An act for the encouragement of the pilchard fiſhery, by allowing a farther bounty upon pilchards, taken, cured, and exported; it is enacted, That for every caſk or veſſel of pilchards, containing fifty gallons, and ſo in proportion for a greater or leſſer quantity thereof, which ſhould be exported from any port or place in Great Britain into parts beyond the ſeas, between the twenty-fifth day of June, one thouſand ſeven hundred and eighty-five, and the twenty-fifth day of June, one thouſand ſeven hundred and eighty-fix, upon which the perſon or perſons exporting the ſame ſhould be intituled to a certain bounty of ſeven ſhillings, by virtue of or under the two ſeveral acts therein mentioned, the one made in the fifth year of the reign of the late King George the Firſt, intituled, An act for recovering the credit of the *British* fiſhery in foreign parts; and better ſecuring the duties upon ſalt; and the other, made in the third year of his late maſteſty King George the Second, intituled, An act for taking off certain duties on ſalt, and for making good any deficiencies in the funds that may happen thereby; and for charging the reduced annuity, payable

Act 5 Geo. 1.
c. 18.

Act 3 Geo. 2.
c. 20.

payable to the *East India* company, on the aggregate fund; and for relief of *Matthew Lyon*, executor of *Matthew Page* deceased, in respect of the duty for salt lost by the overflowing of the river *Mersey* in the year one thousand seven hundred and twenty-four; an additional bounty of two shillings should be paid and payable to such person and persons, so intitled to the said bounty of seven shillings, at such times, in such manner, by such person and persons, and out of such monies, as the said bounty of seven shillings was by the said two several acts, or either of them, directed to be paid: and whereas the said fishery is of great importance to the nation, by promoting useful industry, providing for great numbers of poor people, and serving as a nursery for able seamen; and inasmuch as the same cannot be carried on without a continuance of the said additional bounty of two shillings: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act of the twenty-fifth year of the reign of his present Majesty, and every power, provision, clause, matter, and thing therein contained (except as herein-after is mentioned), shall, from and after the twenty-fourth day of *June*, one thousand seven hundred and eighty-six, be, and the same are hereby continued for and during the term of five years, and shall, during such term, be in full force, and be put in execution, as fully and effectually, to all intents and purposes, as if the same were repeated and re-enacted in the body of this present act.

II. Provided always, and be it enacted, That in case the quantity of pilchards, which shall be exported from any port or place, ports or places, in *Great Britain*, to parts beyond the seas, upon which the said bounty of seven shillings shall become payable, do or shall, in any one year of the said term of five years, herein-before granted or limited for the continuance of the said recited act of the twenty-fifth year of the reign of his present Majesty, exceed the quantity of twenty thousand hogheads, the said additional bounty of two shillings shall not be payable or paid for or in respect of any pilchards so exported as aforesaid, beyond or exceeding the said quantity of twenty thousand hogheads; any thing in the said recited act of the twenty-fifth year of the reign of his present Majesty, or in this present act, or in any other act or acts, contained to the contrary notwithstanding.

III. Provided also, and be it enacted, That if a greater quantity than twenty thousand hogheads of pilchards shall be taken, cured, and exported, in each or any one year of the said term of five years, then, in each and every such year, the said additional bounty of two shillings upon the quantity of twenty thousand hogheads shall become payable, and shall be paid to each and every person and persons respectively intitled to the said additional bounty, in proportion to the whole quantity of pilchards so taken, cured, and exported.

Act 25 Geo.
3. continued
for five years
from June 24,
1786.

Additional
bounty of 2s.
for every 50
gallons of pil-
chards ex-
ported, not to
be paid for a
larger quan-
tity than
20,000 hogf-
heads in one
year.

But the said
bounty on
20,000 hogf-
heads, where
a larger quan-
tity has been
exported, shall
be divided
proportionally
among the
vessels.

Expences of this act to be borne by the persons entitled to the bounty.

IV. And be it further enacted, That the costs and charges incident to, and attending the obtaining and passing of this act, shall be borne, paid, and defrayed by the several persons to whom the said additional bounty of two shillings shall be payable and paid, rateably and in proportion according to the sum or sums of money so by them respectively received, but not exceeding two shillings on each cask or vessel of pilchards containing fifty gallons; any law, statute, usage, or custom to the contrary notwithstanding.

Publick act.

V. And be it further enacted, That this act shall be deemed a publick act; and shall be taken notice of as such, by all judges, justices, and all other persons whatsoever, without special pleading the same.

C A P. XLVI.

An act for augmenting and fixing the salaries of the lords of session, lords commissioners of justiciary, and barons of exchequer, in that part of Great Britain called Scotland.

Preamble.

WHEREAS the stated salaries of the lords of session, lords commissioners of justiciary, and barons of exchequer, in that part of Great Britain called Scotland, are inadequate to the dignity and importance of their offices: and whereas certain additional allowances have been made to some of the judges of these courts by warrants under his Majesty's privy seal in Scotland, which allowances ought to be permanent: and whereas the lords of session are possessed of a fund called The Stock of the Court, by grants before the union of the kingdoms of England and Scotland, amounting to twenty-two thousand seven hundred pounds sterling, of capital money, the yearly interest of which they have been in use to divide among them, but which sum ought now to be restored to the publick: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said sum of twenty-two thousand seven hundred pounds together with the sum of one thousand one hundred and thirty-five pounds sterling, being one year's interest on the said capital, shall, on the fifth day of April, in the year one thousand seven hundred and eighty-seven, be paid in to the receiver general of his Majesty's land rents in Scotland, in order to be by him remitted to the exchequer in England, for the use of the publick, and the said receiver general for the time being is hereby authorized and required to take all legal steps, if necessary, for recovering the same.

Fund in the hands of the lords of session to be paid to the receiver general in Scotland on April 5, 1787, to be remitted to the exchequer in England.

Out of the revenues appointed by acts 7 and 10 Annæ, for supporting the court of sessions, etc.

II. And be it enacted by the authority aforesaid, That in time coming there shall be issued, paid, and applied, in every year, out of the monies that shall arise from any the duties and revenues in that part of *Great Britain called Scotland*, which by acts made in the seventh and tenth years of the reign of Queen *Anne*, were charged or made chargeable with the payment of

the

the fees, salaries, and other charges, allowed or to be allowed by her Majesty, her heirs and successors, for keeping up the courts of session, judiciary, and exchequer, in *Scotland*, the several salaries following, to the judges after mentioned; (that is to say), The sum of two thousand pounds sterling to the lord president of the court of session for the time being; the sum of one thousand pounds sterling to each of the other lords of session for the time being; the sum of two thousand pounds sterling to the lord chief baron of the court of exchequer in *Scotland* for the time being; the sum of one thousand pounds sterling to each of the other barons of the said court of exchequer for the time being; the sum of six hundred pounds sterling to the lord justice clerk for the time being; and the sum of three hundred pounds sterling to each of the other lords commissioners of judiciary for the time being.

there shall be paid to the judges the salaries hereina specified.

III. And be it enacted, That the first quarter's payment of the said respective sums shall be made on the fifth day of *July*, in the year one thousand seven hundred and eighty-six, and thereafter the same shall continue to be paid quarterly in every year, in such manner as the fees, salaries, and other charges of keeping up the said courts in *Scotland*, have accustomedly been paid since the union of the two kingdoms; and the sums hereby granted shall be in place of the different salaries and allowances, which the judges of the said courts do at present, or have been in use to enjoy, whether by stated salary, additions by privy seal, or interest of the aforesaid money, excepting always any additional yearly sum, which is or may be granted by his Majesty, by warrant under the privy seal in *Scotland*, to one of the puisne barons of the said court of exchequer, when appointed to that office from the bar of *England*; and excepting also the sums issued in every year for defraying the expences of the judiciary judges at their circuits.

The first payment to be on July 5, 1786.

IV. And be it further enacted by the authority aforesaid, That this act shall and may be deemed and taken to be a publick act.

C A P. XLVII.

An act for discharging the payment of sentence money, and other fees of court, to the judge of the court of admiralty in that part of Great Britain called Scotland, and the payment of sentence money to the judges of the commissary court in Edinburgh; for granting salaries to the judges of the said courts in lieu thereof; and for regulating the nomination of the said judges.

WHEREAS the judge of the court of admiralty, which was stipulated by the articles of union to be continued in that part of Great Britain called Scotland, has never had any stated salary or allowance from the publick, but has been in the use of receiving sentence money, and other casual fees, upon proceedings in the said court, which practice ought to be abolished: and whereas the judges of the commissary court in Edinburgh have likewise been in the use of receiving

Preamble.

ceiving sentence money, and are otherwise insufficiently provided: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, in the year one thousand seven hundred and eighty-six, it shall not be lawful for the present judge of the said court of admiralty, or his successors in that office, directly or indirectly, to ask or take from any suitor or suitors in the said court, or any other person or persons, any fee or perquisite, for acting or doing business as a judge of the said court of admiralty, in name of sentence money, poundage, droits of admiralty, or upon any pretence whatever; and in lieu of all fees and perquisites heretofore in use to be paid to or exacted by or for the judge of the said court, the present judge, and his successors in office, shall be intitled to and receive a yearly salary, amounting to the sum of four hundred pounds sterling, payable in the same form, and upon the same establishment, as the salaries of the judges of the courts of session, judiciary, and exchequer are paid in that part of *Great Britain* called *Scotland*; the first quarter's payment of the said salary to be made on the fifth day of *July*, in the year one thousand seven hundred and eighty-six.

From July 5, 1786, the judge of the admiralty in Scotland shall receive 400l. annually, in lieu of all perquisites:

and the judges of the commissary court 100l. annually each, in lieu of sentence money:

II. And be it enacted by the authority aforesaid, That from and after the fifth day of *July*, in the year one thousand seven hundred and eighty-six it shall not be lawful for the judges of the commissary court in *Edinburgh*, or their successors in office, directly or indirectly, to ask or take, from any suitor or suitors in the said court, or from any other person or persons, any fee or perquisite for acting or doing business as judges of the said commissary court, in name of sentence money, upon the decrees pronounced by them; and in lieu of such sentence money heretofore in use, as well as for the better provision of the said commissaries, they and their successors in office shall be intitled to and receive the sum of one hundred pounds sterling *per annum* each of salary, payable in the same form, and upon the same establishment, as the salaries of the judges of the courts of session, judiciary, and exchequer, are paid in that part of *Great Britain* called *Scotland*; the first quarter's payment of the said salary to be made on the fifth day of *July*, in the year one thousand seven hundred and eighty-six.

III. Provided always, and be it enacted and declared by the authority aforesaid, That the allowances to the said commissaries out of the bishops rents shall continue as before; and that nothing herein contained shall be construed either to enlarge or diminish their customary dues on the confirmation of testaments, or other articles, except that of sentence money, as aforesaid.

But other usual perquisites may be received.

IV. And be it further enacted and declared, That nothing herein contained shall be construed either to enlarge or diminish the customary and lawful dues or perquisites of the clerks and

fiscals

fiscals of any of the faid courts, but that the faid clerks and fiscals fhall ftill continue to receive what they are by law or cuftom entitled to in name of fentence money, or otherwife: and, for the better afcertaining the extent thereof, in thofe cafes where the judges and the clerks and fiscals have heretofore been in ufe to receive joint fees or perquisites, and where the judges are not in future to receive them, the faid judge and judges of the two courts aforefaid refpectively are hereby empowered and required, on or before the firft day of *November*, in the year one thoufand feven hundred and eighty-fix, to eftablifh regulations for the payment of the clerks and fiscals dues in their feveral courts, according to the juft amount of the proportions or fums which the faid clerks and fiscals have been in ufe to receive in time paft in the cafes aforefaid, and which regulations fhall be entered in their books of federunt; and it fhall be lawful and competent to any party concerned to complain to the court of feffion againft fuch determination, at any time within fix months thereafter; whofe judgement given upon the fame, or that of the faid judges not complained of, fhall continue to be the rule for levying the faid dues in time coming.

Regulations to be eftablifhed for payment to the clerks and fiscals their accustomed dues.

V. And be it enacted, That in time coming, no perfon fhall be appointed to the office of judge of the faid court of admiralty, or to the office of any of the faid commiffaries, unlefs he has, during three years immediately preceding his appointment, attended the court of feffion regularly and *bona fide* as a practitioner in the time of feffion; and if any appointment fhall happen to be made contrary to the true intent and meaning hereof, the fame fhall be null and void.

No perfon to be appointed judge or commiffary who has not practifed in the court of feffion three years.

C A P. XLVIII.

An act for granting to his Majefty certain duties on stamped vellum, parchment, and paper, within that part of Great Britain called Scotland, to replace to the revenue the fums granted out of the fame, in this feffion of parliament, towards the augmentation of the falaries of the judges of the courts of feffion, jufticiary, exchequer, and admiralty court in Scotland, and commiffary court of Edinburgh.

Moft gracious Sovereign,

WE, your Majefty's moft dutiful and loyal fubjects, the commons of *Great Britain*, in parliament affembled, being defirous to replace to your Majefty's revenue, arifing in that part of *Great Britain* called *Scotland*, by the moft eafy means, the fums granted out of the fame in this prefent feffion of parliament, towards the augmentation of the falaries of the judges of the courts of feffion, jufticiary, exchequer, and admiralty court in *Scotland*, and commiffary court of *Edinburgh*, do therefore moft humbly befeech your Majefty that it may be enacted; and be it enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal,

and

and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-six, there shall be raised, levied, collected, and paid, throughout that part of Great Britain called Scotland, unto and for the use of his Majesty, his heirs and successors, the several and respective rates and duties following; that is to say,

For every skin of depositions before the court of session, or affidavit in the exchequer, 1s.

That for and upon every skin, or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed, printed, or written, any deposition or depositions of a witness or witnesses taken in any cause or suit before the court of session, or commission of teinds, or court of admiralty in Scotland, or commissary court of Edinburgh, or in any civil cause before any inferior court in Scotland, or whereupon any affidavit, or written deposition produced in the court of exchequer in Scotland, shall be engrossed, printed, or written, there shall be charged a stamp-duty of one shilling sterling:

For every extract from any publick register, 1s. per skin.

That for and upon every skin, or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed, written, or printed, any extract or attested copy of or from any deed, instrument, or writing, (except protests upon bills or promissory notes under forty shillings sterling,) given out from any publick register, or from the books or record of any court in Scotland, there shall be charged a stamp-duty of one shilling sterling.

Not to extend to matters where the publick interest is concerned, nor to civil causes under the value of 5l. &c.

II. Provided always, and be it hereby further enacted, That nothing in this act contained shall extend, or be construed to extend, to charge with the said rates and duties any deposition or depositions taken in any cause or suit, before any of the said courts in Scotland, which is insisted in at the instance of the publick prosecutor, for the publick interest, or where the publick revenue is concerned; or any deposition or depositions taken in any civil cause, before any inferior court aforesaid, where the sum or subject concluded for is under the value of five pounds sterling, exclusive of costs; or any such deposition or depositions, taken in any of the courts aforesaid, by or at the instance of any person or persons on the poor's roll of such court, and who is, are, or shall be admitted to sue or defend *in forma pauperis*; or any extracts of the decrees of courts, other than such formal decrees of registration as are usually annexed to the extracts of writings.

Duties to be under the management of the commissioners for stamps.

III. And be it further enacted by the authority aforesaid, That, for the better and more effectual levying and collecting the said duties herein-before granted, the same shall be under the government, care, and management of the commissioners for the time being appointed to manage the duties charged on stamped vellum, parchment, and paper, who, or the major part of them, are hereby required and empowered to employ such officers under them for that purpose, and

and to allow fuch falaries and incidental charges as may be neceffary, and to provide and ufe fuch ftamps to denote the faid feveral duties as fhall be requifite in that behalf, and to do all other things neceffary to be done for putting this act in execution, with relation to the faid rates and duties herein-before granted, in the like and in as full and ample manner as they, or the major part of them, are or is authorized to put in execution any former law concerning ftamped vellum, parchment, and paper.

IV. And be it further enacted by the authority aforefaid, That all vellum, parchment, and paper, liable to the duties by this act impofed, fhall, before the fame fhall be engroffed, printed, or written upon, be brought to the head office for ftamping or marking vellum, parchment, or paper; and the faid commiffioners, by themfelves or by their officers employed under them, fhall forthwith, upon demand to them made by any perfon or perfons, from time to time, ftamp or mark, as by this act is directed, any quantities, or parcels of vellum, parchment, or paper, as fhall be brought to them for that purpofe, the perfon fo bringing the fame paying to the receiver general of the ftamp duties for the time being, or his deputy or clerk, the feveral duties payable for the fame by virtue of this act; and in default of fufficient quantities of vellum, parchment, and paper being brought to the head office to be ftamped as aforefaid, the faid commiffioners are hereby required to take efpecial care that the feveral parts of that part of *Great Britain* called *Scotland* fhall, from time to time, be fufficiently furnifhed with vellum, parchment, and paper, ftamped and marked as aforefaid, fo as the fubjects of his Majefty, his heirs and fucceffors, may have it in their election to buy the fame of the officers or perfons to be employed by the faid commiffioners, at the ufual or moft common rates above the faid duty, or to bring their own vellum, parchment, or paper, to be ftamped at the head office of ftamps as aforefaid.

Vellum, etc.
to be ftamp
before written
on.

Commiffion-
ers to furnifh
ftamp vel-
lum, &c. to be
ready for fuch
as may call
for it.

V. And be it further enacted by the authority aforefaid, That the fame allowance fhall be made on prefent payment of the feveral duties granted by this act, in fuch manner as by any former law relating to ftamped vellum, parchment, or paper, is directed and allowed.

Ufual allow-
ance to be
made on
prompt pay-
ment.

VI. And be it further enacted by the authority aforefaid, That if any perfon or perfons fhall engrofs, print, or write, or caufe to be engroffed, printed, or written, upon any vellum, parchment, or paper, any of the matters or things for which the faid vellum, parchment, or paper, ought to have a mark or ftamp as aforefaid, before fuch time as the faid vellum, parchment, or paper, fhall be marked or ftamped as aforefaid, or fhall engrofs, print, or write, or caufe to be engroffed, printed, or written, any fuch matter or thing, upon any vellum, parchment, or paper, that fhall be marked or ftamped, for any lower duty than the duty by this act payable for what fhall be fo engroffed, printed, or written, every fuch perfon fo offending fhall, for

Perfons ufing
unftamped
vellum, &c. or
ftamps of too
low a value,
forfeit 10l.

and, if in a publick office, forfeit their employment.

every fuch offence, forfeit and pay the fum of ten pounds fterling, to be recovered and applied as herein-after is directed; and in cafe any extractor, clerk, officer or perfon, who, in refpect of any publick office or employment, is or fhall be entitled or entrufred to make, engross, print, or write any depofition, extract, or other writing by this act charged to pay a duty as aforefaid, fhall be guilty of any fraud or praftice to deceive his Majefty, his heirs or fucceffors, of any duty by this act payable, by making, engrossing, printing, or writing, any fuch depofition, extract, or other writing, or caufing the fame to be made, engrossed, printed, or written, upon vellum, parchment, or paper, marked or stamped with any mark, or ftamp, knowing the fame to be counterfeited, or by engrossing, printing, or writing the fame upon vellum, parchment, or paper, that fhall be marked or stamped for a lower duty as aforefaid, then every fuch extractor, clerk, officer, or perfon, fo guilty of any fuch fraud or praftice, and being thereof lawfully convicted, fhall (over and above the penalty aforefaid) forfeit his office, place, or employment refpectively, and be difabled to hold or enjoy the fame for the future; and if any attorney, conveyancer, agent, writer to the fignet, writer, folicitor, or procurator, belonging to any of the courts aforefaid, fhall be guilty of any fuch fraud or praftice as aforefaid, and be convicted thereof, he fhall (over and above the penalty aforefaid) be difabled for the future to praftife as an attorney, conveyancer, agent, writer to the fignet, writer, folicitor, or procurator, refpectively; and if any depofition, extract, or other writing, by this act charged with the payment of a duty as aforefaid, fhall, contrary to the true intent and meaning thereof, be engrossed, printed, or written, by any perfon or perfons whatfoever, upon vellum, parchment, or paper, not marked or stamped according to this act, or upon vellum, parchment, or paper, marked or stamped for a lower duty as aforefaid, that then, and in every fuch cafe, there fhall be due, answered, and paid, to his Majefty, his heirs and fucceffors, over and above the duty aforefaid, for every fuch depofition, extract, or other writing, the fum of ten pounds fterling, and no fuch depofition, extract, or other writing, fhall be pleaded or given in evidence in any court in *Great Britain*, or admitted in any court in *Great Britain* to be good, ufeul, or available in law or equity, until as well the faid duty, as the faid fum of ten pounds fterling, fhall be firft paid to the ufe of his Majefty, his heirs or fucceffors, and a receipt produced for the fame, under the hand or hands of fome of the officers who fhall be appointed to receive the duties above mentioned, and until the vellum, parchment, or paper, on which fuch depofition, extract, or other writing, fhall be engrossed, printed, or written, fhall be marked or stamped with a lawful mark or ftamp, according to this act; and the proper officer and officers are hereby enjoined and required, upon payment or tender of the faid duty, and the fum of ten pounds fterling, unto him or them, to give a receipt for the

Attornies, &c. committing fuch frauds to be difabled from praftifing.

Penalty of 10l. on every depofition, etc. fo illegally made out, which is invalid till the duty and penalty be paid.

the same, and to mark or stamp the said vellum, parchment, or paper, with the proper mark or stamp accordingly.

VII. And be it further enacted by the authority aforesaid, That the commissioners for the said duties on vellum, parchment, or paper, from time to time, shall and may appoint a fit person to attend in any court or office, to take notice of the vellum, parchment, or paper, upon which any the matters or things aforesaid shall be engrossed, printed, or written, and of the marks or stamps thereon, and of all other matters and things tending to secure the said duties; and that the judges in the several courts aforesaid, and such others to whom it may appertain, at the request of such commissioners, or of any two or more of them, shall make such orders in the respective courts, and do such other matters and things for the better securing of the said duties under their charge, as shall be lawfully and reasonably desired in that behalf.

Commissioners may appoint inspectors of the papers used in courts, and the judges are to assist in securing the duties.

VIII. And be it further enacted by the authority aforesaid, That the said commissioners, and all other officers who shall be employed in the collection or management of the said several rates and duties herein-before granted, shall, in the execution of their offices, observe and perform such rules and orders as they respectively shall from time to time receive from the high treasurer, or the commissioners of the treasury, or any three or more of them for the time being, and that no fee or reward shall be taken or demanded by any such commissioners or officers from any of his Majesty's subjects, for any matter or thing to be done in pursuance of this act; and in case any officer employed in the execution of this act, in relation to the said rates and duties, shall refuse or neglect to do or perform any matter or thing by this act required or directed to be done or performed by him, whereby any of his Majesty's subjects shall or may sustain any damage whatsoever, such officer so offending shall be liable to any action, to be founded on this statute, to answer to the party grieved all such damages, with treble costs of suit.

Commissioners, etc. to follow the directions of the treasury, and not to take any fees.

Persons neglecting their duty, to be liable to prosecution.

IX. And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit or forge, or procure to be counterfeited or forged, any seal, stamp, or mark, directed or allowed to be used or provided, made or used in pursuance of this act, for the purpose of denoting the duties by this act granted, or shall counterfeit or resemble, or cause to be counterfeited or resembled, the impression of the same upon any vellum, parchment, or paper, with an intent to defraud his Majesty, his heirs or successors, of any of the said duties, or shall utter, vend, or sell, any vellum, parchment, or paper, with a counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeited; or if any person shall privately and fraudulently use any seal, stamp, or mark, directed or allowed to be used by this act, with intent to defraud his Majesty, his heirs or successors, of any of the said duties, then every such person so offending, and being thereof convicted, shall be adjudged

Persons counterfeiting or using forged stamps, guilty of felony.

judged a felon, and ſhall ſuffer death as in caſes of felony, without benefit of clergy.

Proviſions of former acts to extend to this.

X. And be it further enacted by the authority aforeſaid, That all powers, proviſions, articles, claules and all other matters and things preſcribed or appointed by any former act or acts of parliament relating to the ſtamp-duties on vellum, parchment, and paper, (not hereby altered or repealed), ſhall be of full force and effect with relation to the rates and duties hereby impoſed, and ſhall be applied and put in execution for raiſing, levying, collecting, and ſecuring the ſaid new rates and duties hereby impoſed, according to the true intent and meaning of this act, as fully, to all intents and purpoſes, as if the ſame had ſeverally and reſpectively been hereby enacted with relation to the ſaid new rates and duties hereby impoſed.

Duties to be paid to the receiver general, and by him into the exchequer, where a ſeparate account is to be kept, and the money carried to the ſinking fund.

XI. And be it further enacted by the authority aforeſaid, That the duties herein-before granted ſhall be paid from time to time into the hands of the receiver general for the time being of the duties on ſtamped vellum, parchment, and paper, who ſhall keep a ſeparate and diſtinct account thereof, and pay the ſame (the neceſſary charges of raiſing, paying, and accounting for the ſame, being deducted) into the receipt of the exchequer, at ſuch time, and in ſuch manner, as the duties now charged on ſtamped vellum, parchment, and paper, are directed to be paid; and in the office of the auditor of the ſaid receipt there ſhall be provided and kept a book or books, in which all the monies ariſing from the ſaid duties, and paid into the ſaid receipt as aforeſaid, ſhall be entered ſeparate and apart from all other monies paid or payable to his Maſteſty, his heirs or ſucceſſors, upon any account whatſoever; and the ſaid money, ſo to be paid into the ſaid receipt of exchequer as aforeſaid, ſhall be carried to and made a part of the fund commonly called *The Sinking Fund*.

XII. And, to the end the ſeveral ſums granted out of the revenue ariſing within that part of Great Britain called Scotland, towards the augmentation of the ſalaries of the ſaid judges, may be duly replaced, in caſe the ſaid duties hereby granted ſhall be deficient for that purpoſe, by ſuch other ways and means as ſhall be thought expedient by parliament when ſuch deficiency ſhall appear; be it further enacted by the authority aforeſaid, That, from and after the firſt day of *January*, in the year one thouſand ſeven hundred and eighty-eight, the auditor of the ſaid receipt of his Maſteſty's exchequer ſhall annually, within twenty days after the firſt day of *January* in every year, cauſe to be made out an account in writing of all ſuch ſums of money as ſhall be paid out of the ſaid revenue to the ſaid judges for the augmentation of their ſalaries, in purſuance of any act or acts of this preſent ſeſſion of parliament, for the year ending the fifth day of *July* then preceding; and alſo the produce of the duties hereby granted and paid into the ſaid receipt, in the ſame year, ending as aforeſaid; and ſhall cauſe ſuch account to be laid before the commons in parliament, at their

From Jan. 1, 1788, an annual account to be laid before the commons of the ſums paid for augmentation of judges ſalaries, and of the produce of the duties.

their then feffion (if then actually fitting), or if the parliament fhall not be then fitting, in fuch cafe, at their firft or next feffion, to the end a fufficient further provision may be made for the replacing to the faid revenue the feveral fums fo granted as aforefaid in augmentation of the falaries of the faid judges, by fuch ways and means as fhall feem expedient, in cafe any deficiency fhall appear of the duties by this act granted for that purpofe.

XIII. *And whereas by the laws now in force concerning the regulation of the judicatories in that part of Great Britain called Scotland, certain rates of fees and charges, due and payable to conveyancers, and others who ufe to write for payment, are eftablifhed, whereby, and by the regulations and praftice of the courts aforefaid confequent thereupon, each page of writing is underftood to confift of thirty-fix lines, and each line of nine words, which hath been held a fair and reasonable quantity to be engroffed or written thereon, according to the rates of the fees and charges allowed and payable for the fame: now, in order to prevent his Majefty, his heirs and fucceffors, from being defrauded of any of the duties by this act granted, and in order that all matters and things by this act charged, may be engroffed and written in fuch manner as they have been ufually accuftomed, and by law ought to be engroffed and written; be it therefore further enacted by the authority aforefaid, That, from and after the fifth day of July, in the year one thousand feven hundred and eighty-fix, no fkin or piece of vellum or parchment, or fhcet or piece of paper, whereon any matter or thing for which a duty or duties is or are payable by this act, is engroffed, written, or printed, within that part of Great Britain called Scotland, fhall be divided into, or fhall include more than four pages, whereof each page fhall and may contain thirty-fix lines, and each line nine words, and no more; and every fuch matter and thing fhall be engroffed and written conformable to the faid regulations, and according to the courfe and praftice of the refpective courts aforefaid; and that if any attorney, conveyancer, agent, writer to the fignet, writer, extractor, folicitor, procurator, clerk, or other perfon ufed to write for payment, within that part of Great Britain called Scotland, fhall engrofs, print, or write, or caufe to be engroffed, printed, or written, upon any fkin or piece of vellum or parchment, or fhcet or piece of paper, chargeable with any ftamp-duty by this act, any more or greater number of words than according to the rate and quantity above-mentioned, or in any other manner, fo as to infer in any one fuch fkin or piece of vellum or parchment, or fhcet or piece of paper, above one thousand two hundred and thirty-fix words, every fuch perfon fo offending fhall, for every fuch offence, forfeit and pay the fum of ten pounds fterling, to be recovered and applied as herein-after is directed, and fhall be, and is hereby made incapable to maintain or profecute any action or fuit in any court of law or equity, for the recovery of any fee, reward, or difburfement, on account of the engroffing, writing or making any fuch depofition, extract, or other writing aforefaid.*

Not more than a certain number of words to be infered in one fkin on penalty of 10l.

XIV. And

How penalties are to be appropriated.

XIV. And be it further enacted by the authority aforefaid, That all pecuniary penalties hereby impofed fhall be divided and diftributed (if fued for within the fpace of fix calendar months from the time of fuch penalty being incurred), in manner following; that is to fay, One moiety thereof to his Majefty, his heirs and fucceffors, in the manner herein-after mentioned, and the other moiety thereof to the perfon or perfons who fhall inform or fue for the fame.

Mode of recovery of penalties.

XV. And be it further enacted by the authority aforefaid, That all fuch pecuniary penalties fhall and may be fued and recovered, with full cofts of fuit, in his Majefty's court of feffion, court of jufticiary, or court of exchequer in *Scotland*, by action of debt, bill, plaint, or information, wherein no effoin, protection, privilege, wager of law, or more than one imparlance, fhall be allowed.

No perfon to be entitled to part of penalty, who does not profecute in due time.

XVI. Provided always, and be it further enacted by the authority aforefaid, That fuch divifion or diftribution of the penalties aforefaid, fhall be, and is hereby confined and refticted to the profecuting for the fame, within the time herein-before for that purpose limited, and that in default of fuch profecution within the time aforefaid, no informer or informers fhall have, or be intitled to, any part or fhare of fuch penalties, but that the whole thereof fhall belong to his Majefty, his heirs and fucceffors, and fhall be recoverable in manner aforefaid; any thing herein contained to the contrary notwithstanding.

His Majefty's fhare to be paid into the exchequer on Auguft 1, annually, and to be applied like other penalties.

XVII. And be it further enacted by the authority aforefaid, That, from and after the faid fifth day of *July*, in the year one thoufand feven hundred and eighty-fix, all fuch penalties or forfeitures, and fhares of penalties or forfeitures, as fhall be due or payable to his Majefty, his heirs or fucceffors, by virtue of this act, fhall, from time to time, be paid into the hands of the receiver general (or fome perfon to be authorized by the faid commiffioners, or the major part of them for the time being) who fhall keep a feparate and diftinct account thereof, and pay the fame (the neceffary charges of paying and accounting for the fame being deducted) into the receipt of the exchequer, on the firft day of *Auguft* in every year, unlefs the fame fhall be a *Sunday* or holiday, and then on the firft day following which fhall not be a holiday; and in the office of the auditor of the faid receipt there fhall be provided and kept a book or books, in which all the monies arifing from the faid penalties or forfeitures, or fhares of penalties or forfeitures, paid into the faid exchequer, fhall be entered in fuch manner as other penalties or forfeitures, and fhares of penalties or forfeitures, for offences touching any the duties on ftamped vellum, parchment and paper, are or fhall, or may be directed by any act or acts of parliament of this prefent feffion to be entered; and the faid monies fo to be paid into the faid receipt of the exchequer as aforefaid, fhall be iffued and applied to the ufe of his Majefty, his heirs and fucceffors, in fuch manner, and to fuch purposes, as other penalties or forfeitures, due or payable to his Majefty, have heretofore

heretofore been used to be, or ought to have been paid or applied, and to no other use or purpose whatsoever.

XVIII. Provided always, and it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any justice of the peace residing near the place where the offence shall be committed, to hear and determine any offence against this act, which subjects the offender to any pecuniary penalty, which said justice of the peace is hereby authorised and required, upon any information exhibited, or complaint made in that behalf, at any time within six calendar months after such offence committed against this act, to summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact, and upon due proof made thereof, either by the voluntary confession of the party, or by the oath of one or more credible witness or witnesses, (which oath he is hereby empowered to administer), to give judgement or sentence for the penalty or forfeiture, according as in and by this act is directed, (all which penalties and forfeitures so adjudged shall be divided and distributed, one moiety thereof to the informer and informers who shall prosecute for the same, and the other moiety thereof, the necessary charges for the recovery thereof being first deducted, shall be paid to the use of his Majesty, his heirs and successors, in the manner herein-before directed), and to award and issue out his warrant under his hand and seal for the levying any such pecuniary penalties and forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed within six days, rendering to the party the overplus, if any); and where goods of the offender cannot be found sufficient to answer the penalty, to commit the said offender to the house of correction, there to remain for the space of three calendar months, unless such pecuniary penalty shall be sooner paid and satisfied; and if any person or persons shall find himself, herself, or themselves aggrieved by the judgement of any such justice, then he, she, or they, shall and may, upon giving security to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, shire, stewardry, or place, wherein the offence was committed, who are hereby empowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement shall be affirmed, it shall and may be lawful for such justices to award the person or persons to pay such costs occasioned by such appeal as to them shall seem meet.

Justices to determine in pecuniary matters of penalties.

Appeal may be made to the quarter sessions.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons shall be summoned as a witness or witnesses to give evidence before such justice or justices of the peace, touching any of the matters relative to this act, either on the part of the prosecutor or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without reasonable excuse for such

Witnesses neglecting to attend, forfeit sol.

his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of ten pounds sterling, to be levied and paid in such manner, and by such means, as is herein-before directed as to other penalties.

Justices may mitigate penalties.

XX. Provided always, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs of the officers and informers, as well in making the discovery as in prosecuting the same, being always allowed over and above such mitigation, and so as such mitigation do not reduce the penalties to less than one moiety of the penalties incurred, over and above the said costs and charges; any thing in this act contained to the contrary notwithstanding: and no such conviction shall be removed by *Certiorari* into any court whatsoever.

General issue.

XXI. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing, therein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence, for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

Treble costs.

C A P. XLIX.

An act for granting to his Majesty certain stamp duties on perfumery, hair powder, and other articles therein mentioned; and on licences to be taken out by persons uttering or vending the same.

Most gracious Sovereign,

Preamble.

WE your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, having taken into our most serious consideration your Majesty's most gracious speech to both houses of parliament, recommending the establishment of a fixed plan for the reduction of the national debt; and your faithful commons being desirous of obtaining that desirable object by the most easy and effectual means, have, towards that purpose, resolved to give and grant unto your Majesty the several new rates and duties upon the several wares and other articles herein-after mentioned: and to that end and purpose do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, there shall

From July 5, 1786, the following duties

shall be raised, levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the use of his Majesty, his heirs and successors, the several new rates and duties following, upon the several wares and other articles herein-after mentioned; (that is to say),

to be paid on
powders,
pastes, etc.
viz.

That for and upon every packet, box, bottle, phial, or other inclosure, containing any powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, liquors, or other preparation or composition whatsoever, commonly called, known, or distinguished, by the name of *Sweet Scents, Odours, or Perfumes*; or by the name of *Cosmeticks*, used or to be used by any person or persons as sweet scents, odours, perfumes, or cosmeticks, which shall be uttered, vended, or exposed to sale, in *Great Britain*, mixed or unmixed with other materials or ingredients, there shall be charged a stamp-duty according to the rates herein-after expressed; and also, that for and upon every packet, box, bottle, phial, or other inclosure, containing any dentifrice, powders, tinctures, or other preparation or composition whatsoever for the teeth or gums, which shall be uttered, vended, or exposed to sale in *Great Britain*, there shall be charged a stamp-duty, according to the like rates herein-after expressed; and that for and upon every roll, cake, or piece, packet, box, pot, or other inclosure of, or containing any pomatum, ointment, or other preparation or composition for the hair, which shall be uttered, vended, or exposed to sale, in *Great Britain*, there shall be charged a stamp-duty, according to the like rates herein-after expressed; and also, that for and upon every packet, or other inclosure, containing any hair powder, which shall be uttered, vended, or exposed to sale, in *Great Britain*, the price whereof shall exceed two shillings for the pound weight, there shall be charged a stamp-duty, according to the like rates herein-after expressed; (that is say),

Where any such wares, or other articles aforesaid, shall not exceed the price or value of eight-pence, there shall be charged a stamp-duty of one penny:

For every
packet, etc.
of perfumes,
under 8d. value,
1d.

And where any such wares, or other articles aforesaid, shall exceed the price or value of eight-pence, and not exceed the price or value of one shilling, there shall be charged a stamp-duty of one penny halfpenny:

Between 8d.
and 1s. — 1d.
2q.

And where any such wares, or other articles aforesaid, shall exceed the price or value of one shilling, and shall not exceed the price or value of two shillings and sixpence, there shall be charged a stamp-duty of three-pence:

Between 1s.
and 2s. 6d. —
3d.

And where any such wares, or other articles aforesaid, shall exceed the price or value of two shillings and sixpence, and shall be under the price or value of five shillings, there shall be charged a stamp-duty of sixpence:

Between 2s.
6d. and 5s. —
6d.

And where any such wares, or other articles aforesaid, shall be of the price or value of five shillings or upwards, there shall be charged a stamp-duty of one shilling:

5s. or up-
wards, — 1s.

Duties to be levied on every packet, etc. according to the above rates.

The said several and respective duties aforesaid to be levied and paid, upon each and every packet, box, bottle, phial, or other inclosure, and upon each and every roll, cake, ball, or piece of such wares or other article or articles aforesaid, which shall be uttered, vended, or exposed to sale as aforesaid, according to the respective prices or values above rated.

For every packet of hair powder under 2s. per lb. 1d. for each pound.

And also, That for and upon every packet, or other inclosure containing any hair powder, which shall be uttered, vended, or exposed to sale in *Great Britain*, the price whereof shall not exceed two shillings for the pound weight, there shall be charged for each and every pound weight thereof, or any less quantity than a pound weight, a stamp-duty of one penny.

Not to extend to drugs, etc. liable to the duties imposed by act 25 Geo. 3. c. 79.

II. Provided always, That nothing herein-before contained shall extend, or be construed to extend, to charge any drugs, oils, waters, essences, tinctures, powders, or other preparation or composition whatsoever, used or applied, or to be used or applied, externally or internally, as medicines or medicaments for the prevention, cure, or relief of any disorder or complaint incident to, or in anywise affecting the human body, which are charged and chargeable with certain rates and duties in and by an act made in the twenty-fifth year of the reign of his present Majesty, (intituled, *An act for repealing an act, made in the twenty-third year of the reign of his present Majesty, intituled, An act for granting to his Majesty a stamp-duty on licences to be taken out by certain persons uttering or vending medicines; and certain stamp-duties on all medicines sold under such licences, or under the authority of his Majesty's letters patent; and for granting other duties in lieu thereof*), with the rates or duties in and by this act imposed, or with any additional rate or duty by force hereof.

nor to common soap unmixed with perfumes.

III. Provided also, That nothing in this act contained shall extend, or be construed to extend, to charge with the above rates or duties any common soap imported into or made in *Great Britain*, and charged and chargeable with any rate or duty under the management of the commissioners of the customs or the commissioners of excise, which shall be uttered, vended, or exposed to sale in *Great Britain*, wholly unmixed with any such sweet scents, odours, or perfumes as aforesaid.

Persons vending articles hereby taxed, to pay 1s. annually for a licence.

IV. And be it further enacted by the authority aforesaid, That every person in *Great Britain* uttering, vending, or exposing to sale, any such wares, or other article or articles aforesaid, subject to the duties herein-before imposed, shall annually take out a licence for that purpose; and that for and upon every licence so taken out by any such person, there shall be charged a stamp-duty of one shilling.

Duties to be under the management of the commis-

V. And be it further enacted by the authority aforesaid, That for the better and more effectual levying and collecting the said several duties herein-before granted, the same shall be under the government, care, and management of the commissioners

soners for the time being appointed to manage the duties charged on stamped vellum, parchment, and paper; who, or the major part of them, are hereby required and impowered to employ such officers for that purpose, and to allow such salaries and incidental charges as may be necessary, and to provide and use such stamps to denote the said several duties as shall be requisite in that behalf, and to do all other things necessary to be done for putting this act in execution with relation to the said rates and duties herein-before granted, in the like, and in as full and ample manner as they, or the major part of them, are or is authorized to put in execution any former law concerning stamped vellum, parchment, and paper.

VI. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, any two or more of his Majesty's commissioners, appointed to manage the duties arising by stamps on vellum, parchment, and paper, or some person duly authorized by them, shall grant licences to such persons who shall apply for the same, to utter, vend, or expose to sale, in any city, town, or place within *Great Britain*, any such wares, or other article or articles as aforesaid, subject to the duties by this act imposed, and the said licences so granted shall continue in force for the space of one year, commencing from the fifth day of *July*, one thousand seven hundred and eighty-six, upon all licences to be granted on or before that day, and upon licences to be first granted to any person or persons after the said fifth day of *July*, one thousand seven hundred and eighty-six, to commence from the day of the date of every such licence; and all and every person and persons who shall take out such licence or licences for uttering, vending, or exposing to sale, any such wares, or other article or articles as aforesaid, shall take out a fresh licence or licences for another year, ten days at the least before the expiration of that year for which he, she, or they shall have been licensed, if he, she, or they shall continue to utter, vend, or expose to sale, such wares or other articles aforesaid, or any of them, and shall in like manner renew such licence from year to year, paying down the sums due for the stamps on such licences so long as he, she, or they shall continue to utter, vend, or expose to sale, such wares or other articles as aforesaid, or any of them.

VII. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, no person or persons whatsoever shall utter, vend, or expose to sale, any such wares, or other articles as aforesaid, which shall be subject to the rates or duties herein-before imposed, unless he, she, or they shall have first obtained a licence, and then remaining in force, in such manner as is herein-before directed, upon pain to forfeit, for every such offence, the sum of five pounds, to be recovered and applied as herein-after is directed.

VIII. And be it further enacted by the authority aforesaid, That every person and persons uttering, vending or exposing

words Licenſed to deal in Perfumery, on the front of their houſes, forfeit, 3l.

to ſale, any ſuch wares, or other article or articles as aforeſaid, and licenſed ſo to do, under and by virtue of this act, ſhall, within the ſpace of twenty days after ſuch licence ſhall have been granted, cauſe the words *Licenſed to deal in Perfumery*, to be painted or written in large and legible characters, either over the door, or in ſome viſible place in the front of his, her, or their houſe, ſhop, or warehouse, at the reſpective places at which he, ſhe, or they ſhall utter, vend, or expoſe to ſale, any ſuch wares, or other article or articles as aforeſaid, to denote that ſuch perſon or perſons is or are a dealer or dealers in perfumery, and licenſed for that purpoſe; and if any perſon ſo licenſed as aforeſaid ſhall, after the expiration of twenty days after ſuch licence ſhall have been granted, preſume to utter, vend, or expoſe to ſale, any ſuch wares or other article or articles ſubject to the duties by this act impoſed, without fixing or hanging out ſuch notice as aforeſaid, every ſuch perſon ſo offending ſhall, for every ſuch offence, forfeit the ſum of five pounds, to be recovered and applied as herein-after is directed.

Unlicenſed Perſons fixing ſuch notice on their houſes, forfeit 20l.

IX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall fix or hang out any ſuch notice as aforeſaid, or continue the ſame ſo fixed or hung out, without having a licence for that purpoſe then remaining in force, in ſuch manner as is herein-before directed, every ſuch perſon or perſons ſo offending ſhall, for every ſuch offence, forfeit and pay the ſum of twenty pounds, to be recovered and applied as herein-after is directed.

Venders to ſend to the commiſſioners for ſtamped labels to paſte on packets, in ſuch manner as the commiſſioners ſhall direct.

X. And, in order to ſecure the duties hereby impoſed, be it further enacted by the authority aforeſaid, That every perſon and perſons making, preparing, uttering, vending, or expoſing to ſale, any ſuch wares, or other article or articles as aforeſaid, which are ſubject to the duties hereby impoſed, ſhall, from time to time, apply to the ſaid commiſſioners of ſtamps, or to the officers appointed for that purpoſe, for paper covers, wrappers, or labels, to be paſted, ſtuck, faſtened, or affixed to packets, boxes, pots, bottles, phials, or other incloſures, containing any ſuch wares, or other article or articles as aforeſaid, or to be paſted, ſtuck, faſtened, or affixed to rolls, cakes, balls, or pieces of ſuch wares, or other articles, as ſhall be uttered, vend, or expoſed to ſale, without any incloſure as aforeſaid; upon which paper covers, wrappers, or labels, the ſaid commiſſioners, or the major part of them, as aforeſaid, are hereby directed and required to print or impreſs, or cauſe to be printed or impreſſed, ſome mark, device, or ſome particular word or words, to denote the ſaid duties, and the rate thereof: and the ſaid commiſſioners are hereby alſo required to deliver, or cauſe to be delivered, from time to time, to every ſuch licenſed vender or venders, as occaſion ſhall require, ſufficient covers, wrappers, or labels, for the purpoſe aforeſaid, on payment of the reſpective ſums due for the ſtamps thereon; and all and every the packets, boxes, pots, bottles, phials, and other incloſures, containing any ſuch wares, or other article or articles as aforeſaid, uttered, vend, or expoſed to ſale therein,

by

by any person or persons whatsoever; and also all and every the rolls, cakes, balls, and pieces of such other wares, or other article or articles as aforesaid, which shall be uttered, vended, or exposed to sale as aforesaid, by any person or persons whatsoever, shall have well and sufficiently pasted, stuck, fastened, or affixed thereto, such covers, wrappers, or labels, stamped, marked, impressed, or distinguished as aforesaid, in such manner as the said commissioners shall direct: and the said commissioners shall, from time to time, devise and direct the manner in which such covers, wrappers, or labels, shall be pasted or affixed to the said wares, or other article or articles aforesaid; or to the papers, thread, or other thing inclosing, or which shall be directed by the said commissioners to inclose, the same; and to make such rules and regulations in that behalf as they shall think fit and necessary, to prevent the covers, wrappers, or labels affixed to such wares, or other article or articles aforesaid, from being made use of again, after they shall have been sold and disposed of; which rules, regulations, and directions, shall be delivered to all and every vender or vendors aforesaid, at the time of his, her, or their taking out the first licence herein-before directed to be taken out by every person and persons vending or exposing to sale such wares, or other articles aforesaid, subject to the duties by this act imposed; and so, from time to time, with every future licence that shall be granted, if any variation or alteration shall have been made in such rules, regulations, or directions aforesaid.

XI. And be it further enacted by the authority aforesaid, That no person or persons shall, from and after the said fifth day of July, one thousand seven hundred and eighty-six, utter, vend, or expose to sale, or offer or keep ready for sale, or cause to be vended or exposed to sale, or offered or kept ready for sale, in any shop, house, or other place, of which notice shall have been sent as herein-after directed, any wares, or other article or articles aforesaid, subject to the duties hereby imposed, or receive any thing whatsoever by way of barter, or in exchange for any wares, or other article or articles aforesaid, subject to the said duties, unless the cover, wrapper, or label, hereby directed to be pasted, stuck, fastened, or affixed to the same, shall, previous to such sale, or exposing to sale, or offering for sale, as aforesaid, be well and sufficiently pasted, stuck, fastened, or affixed thereto, in such manner as the said commissioners shall from time to time direct, and marked or stamped as by this act is directed, or that shall have any cover, wrapper, or label, pasted, stuck, fastened, or affixed thereto, marked or stamped with a mark or stamp of less denomination or value than by this act is directed, under pain that all and every such person and persons so offending shall forfeit and pay, for every such offence, the sum of five pounds, to be recovered and applied as herein-after is directed.

XII. Provided always, and be it further enacted, That it shall and may be lawful to and for any person or persons, who is, are, or shall be a maker or makers of hair powder, having duly made a true entry at any office of excise in Great Britain, as required

Persons selling packets without a stamped wrapper, or with one of a wrong denomination, forfeit 5l.

Hair powder not exceeding 2s. per lb. in value, and in quantity not under 224 lb,

may be fold
without a
stamped co-
ver, &c. by
the maker.

by the several statutes in that case made and provided; to vend and sell to any person or persons dealing in hair powder, and licensed by virtue and in pursuance of this act, and to and for such licensed person or persons to buy for sale any hair powder, the price whereof shall not exceed the rate of two shillings for the pound weight, and packed in any casks, chests, cases, bags, or other packages, each cask, chest, case, bag, or other package whereof shall contain two hundred and twenty-four pounds of such hair powder at the least, without affixing, or being required to affix, to the same, any cover, wrapper, or label, marked or stamped according to the directions of this act; any thing herein contained to the contrary thereof notwithstanding.

Persons selling
such powder
to keep an
account
thereof for the
inspection of
proper offi-
cers, on pe-
nalty of 20l.

XIII. And be it further enacted, That every such maker or makers of hair powder, as aforesaid, who shall vend or sell the same without stamps, under the powers and directions of this act as aforesaid, shall keep one or more book or books, wherein he, she, and they shall fairly enter in writing an exact, particular, and true account of all such hair powder which shall, from time to time, be sold by him, her, or them, without stamps, and the name and names of the respective person and persons, to whom, or to whose use, the same was so sold, and the particular days and times when the same was so sold; which book and books any officer or officers appointed by the said commissioners, or any three of them, for that purpose, shall and may, at all reasonable times, in the day-time, view and examine, and take any copy or copies of the same, or of such parts thereof as he or they shall think proper, without hindrance or molestation, under the pain and penalty that every person offending in any of the particulars above mentioned shall, for every such offence, forfeit and pay the sum of twenty pounds, to be recovered and applied as herein-after is directed.

Persons selling
wares with
the same la-
bel a second
time, forfeit
20l.

XIV. *And, in order to prevent any such cover, wrapper, or label, as aforesaid, after the same shall have been used in the sale or disposal of any wares, or other article or articles aforesaid, subject to the said duties, from being made use of again for the like purpose, whereby his Majesty's revenue might be lessened and diminished; be it further* enacted by the authority aforesaid, That if any person or persons shall, from and after the said fifth day of July, one thousand seven hundred and eighty-six, fraudulently cut, tear, or take off, or cause to be cut, torn, or taken off, from any wares, or other article or articles aforesaid, subject to the said duties hereby imposed, any cover, wrapper, or label, marked or impressed with any mark or stamp in respect whereof or whereby any duty or duties by this act imposed is or are paid or payable to his Majesty, his heirs or successors, after the same shall have been sold and disposed of, or shall fraudulently paste, stick, fasten, or affix, or cause to be pasted, stuck, fastened, or affixed, to any such wares, or other article or articles as aforesaid, any such cover, wrapper, or label, so fraudulently cut, torn, or taken off as aforesaid; or shall utter, vend, or expose to sale, or cause to be uttered, vended, or exposed to sale, any such wares, or other article

article or articles as aforesaid, with such cover, wrapper, or label, which shall have been so fraudulently cut, torn, or taken off as aforesaid; all and every the person and persons so offending, in any of the particulars before-mentioned, shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

XV. *And, the better to prevent the like frauds*, be it also further enacted by the authority aforesaid, That if any person or persons shall, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, wilfully and knowingly sell or buy, or give or receive any other thing whatsoever by way of barter, or in exchange for, any such cover, wrapper, or label, marked or stamped with any mark or stamp in respect whereof any duty or duties is or are paid or payable to his Majesty, his heirs or successors, in pursuance of this act (which hath been before made use of in the sale or disposal of any such wares, or other article or articles as aforesaid, liable to the said duties), in order to be again made use of for the like purpose; or shall wilfully and knowingly sell or buy, or give or receive any thing whatsoever by way of barter, or in exchange for, any such wares, or other article or articles as aforesaid, subject to the said duties, or any such packet, box, pot, bottle, phial, or other inclosure aforesaid, with such cover, wrapper, or label, which hath been before made use of in manner aforesaid, pasted, stuck, fastened, or affixed thereto; every such person or persons so offending shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered and applied as herein-after is directed.

Persons selling or buying labels to be used a second time, or buying or selling packets with such labels, forfeit 10l.

XVI. And be it further enacted by the authority aforesaid, That the said commissioners for the time being appointed to manage the duties upon stamped vellum, parchment, and paper, or the major part of them, shall allow and pay to every person who shall be supplied with paper covers, wrappers, or labels, in pursuance of this act, after the rate of five pounds in the hundred pounds upon present payment of the said duty or duties upon the said covers, wrappers, or labels, so to them supplied.

Five pounds per cent. discount to be allowed for prompt payment of duties.

XVII. *And whereas the pasting on and affixing the covers, wrappers, or labels on the several wares or other article or articles, or the inclosures thereof, in the manner, and under the several rules, regulations, and directions, to be made by the said commissioners, will tend greatly to secure the said duties by this act imposed*, be it therefore enacted by the authority aforesaid, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, every person and persons who shall utter, vend, or expose to sale, any such wares, or other article or articles as aforesaid, liable to the duties by this act imposed, before they shall respectively obtain a licence to utter, vend, or expose to sale, the same in pursuance of this act, shall give or send notice in writing of the usual shop, house, or place, shops, houses, or places, where they respectively shall utter, vend, or expose to sale the same, or intend so to do; which notice shall be given or sent to the com-

Notice of the place of vending articles liable to duty to be sent to the commissioners of stamps, on penalty of 5l.

a

missioners

miffioners for the time being for managing the duties on stamped vellum, parchment, and paper, or to their officers next adjacent to the place or places refpectively where fuch wares or other article or articles are uttered, vended, or expofed to fale, or intended fo to be; and the like notice fhall be given or fent, by every fuch perfon or perfons, as often as they refpectively fhall change the places where fuch goods and other articles are by them fold, or intended to be fold; which notice fhall contain the particular fhop, houfe, and place, and the particular room or apartment of the fhop, houfe, or place, wherein the fame are fo vended or expofed to fale, or intended fo to be, upon pain that every perfon making default in giving notice as aforefaid, fhall forfeit and pay the fum of five pounds, to be recovered and applied as herein-after is directed; and all fuch wares, and other articles and articles aforefaid, fubject to the duties hereby impofed, which fhall be kept ready for fale, or offered to fale, in any fhop, houfe, or other place, whereof notice fhall have been given or fent as aforefaid (except fuch wares, and other article or articles aforefaid, which are particularly enumerated and fpecified in a certain fchedule to this act annexed, intituled, *Schedule Second*; and which fhall be, and are hereby allowed to be kept for fale, and expofed to fale, in any fuch fhop, houfe or other place aforefaid, in bulk or otherwife, without any stamped cover, wrapper, or label affixed thereto, until the time of actual fale thereof), fhall be deemed and adjudged to require a cover, wrapper, or label, marked and stamped as by this act is required, to be previously affixed thereon, in manner to be directed by the faid commiffioners as aforefaid; and it fhall and may be lawful to and for any officer or officers, being thereunto authorized by the faid commiffioners, to enter in the day-time into any fuch fhop, houfe, or place, or any room or apartment whereof fuch notice fhall have been given or fent as aforefaid, and there to fearch and examine whether the faid feveral wares, and other article or articles aforefaid, fo kept ready for fale, or offered to fale, as aforefaid, in fuch fhop, houfe, or other place aforefaid, have refpectively a cover, wrapper, or label duly affixed thereto, or to the inclofures containing the fame, according to the directions of this act; and if fuch wares or other article or articles aforefaid (except as herein excepted) fhall be expofed to fale, or kept ready for fale, in any fuch fhop, houfe, or other place as aforefaid, without any cover, wrapper, or label affixed thereto, or with a cover, wrapper, or label of lefs denomination or value than by this act is directed, or with a cover, wrapper, or label affixed thereto unduly and infufficiently, and contrary to the directions of the faid commiffioners, it fhall and may be lawful to and for fuch officer and officers refpectively, and he and they is and are hereby required to affix, or caufe to be affixed, to the faid wares, or other article or articles aforefaid fo expofed to fale, or kept ready for fale as aforefaid refpectively, or to the refpective inclofures thereof, a cover, wrapper, or label marked and stamped as aforefaid, (to be fupplied by the faid officer or officers, if occa-

Proper officers may fearch fhops, &c. and where stamped covers are wanting, affix the fame which muft be paid for, on penalty of 5l.

tion (hall require), in fuch manner as the faid commiffioners fhall from time to time direct; and if the owner or owners, or vender or venders thereof, or the perfon or perfons having the care or cuftody thereof, fhall not upon demand pay and difcharge to the faid officer and officers all fuch fums of money as fhall have become due and payable by him, her, or them, in refpect of the ftamps upon the faid covers, wrappers, or labels fo fupplied as aforefaid, every fuch perfon or perfons fhall, for every fuch offence, forfeit and pay the fum of five pounds, over and above the faid duties, to be recovered and applied as herein-after is directed.

XVIII. And be it further enacted by the authority aforefaid, That if any perfon or perfons fhall obftruft or hinder any of the faid officers in the execution of the powers and authorities given to him or them by this act, for fecuring the faid duties, every fuch perfon and perfons fo offending fhall, for every fuch offence, forfeit and pay the fum of twenty pounds, to be recovered and applied as herein-after is directed.

Persons ob-
ftructing offi-
cers in the
execution of
their duty,
forfeit 20l.

XIX. Provided always, and be it further enacted, That in cafe any covers, wrappers, or labels, fhall be damaged, defaced, or fpoiled in affixing the fame upon fuch wares, or other articles as aforefaid, or otherwife, fo as to be rendered unfit for ufe, it fhall and may be lawful for any perfon or perfons licensed in purfuance of this act, to bring fuch covers, wrappers, or labels, fo marked and ftamped as aforefaid, together with the wares or other articles to which the fame fhall have been affixed, to the commiffioners for managing the ftamp-duties, or to the head officer appointed by them, and on oath (or folemn affirmation, in cafe fuch licensed perfon fhall be one of the people called *Quakers*), thereof made by fuch licensed perfon, to the fatisfaction of the faid commiffioners or head officer fo appointed (who are hereby authorized to adminifter fuch oath or folemn affirmation, and to examine into all circumftances relating to the damaging, defacing, or fpoiling the fame), that fuch covers, wrappers, or labels, fo defaced or fpoiled, or rendered unfit for the purpofe intended, have not been ufed for any other purpofe, or in any other manner whatfoever; and that none of them have been fraudulently rebought or returned after the fame have been fold or difpofed of; and that no money, or other confideration, hath been paid or given for the fame, fave and except the money firft paid for fuch covers, wrappers, or labels, at the ftamp-office, or other places appointed by the commiffioners for the diftribution thereof; then, and in fuch cafe, the faid commiffioners are hereby required and directed, after deftroying fuch defaced covers, wrappers, or labels, to deliver to fuch licensed perfon other covers, wrappers, or labels, of the fame denomination or value, inftead of the covers, wrappers, or labels fo damaged, defaced or fpoiled, or rendered unfit for ufe as aforefaid, without demanding or taking, directly or indirectly, for the fame, any fum of money or other confideration whatfoever.

Damaged la-
bels may be
returned for
others without
additional
expenfe.

XX. And be it further enacted by the authority aforefaid,
That,

Persons selling articles subject to duty, in any place not specified by notice, forfeit 5l.

Articles sold for exportation, not subject to duty.

Account of articles exported to be sent to the commissioners of stamps,

to be filed, and certificates thereof to be granted to the vendors, which shall be legal evidence.

Persons convicted of offences against this act, forfeit their licence.

That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, if any person or persons, so licensed as aforesaid, shall vend or expose to sale any wares, or other article or articles subject to the duties by this act imposed, in any other shop, house, or place, than such as are respectively contained or described in such notice so given or sent to the said commissioners, or to their officers as aforesaid, every such person or persons so offending shall forfeit and pay the sum of five pounds, to be recovered and applied as herein-after is directed.

XXI. *And, to encourage the exportation of all such wares, and other articles aforesaid, into foreign parts,* be it further provided and enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to the sale of any wares or other articles, by any licensed person as aforesaid, to any person in *Great Britain* for the purposes of exportation, where such wares and other articles so sold shall be, *bona fide* and without fraud, exported to foreign parts; and that, in every such case, the person or persons selling the same for exportation do, within three days after the sale thereof, give or send notice, in writing, to the said commissioners, or some person duly appointed by them at the head office of stamps, or at the office of the distributor of stamps next adjacent to the place where he, she, or they shall respectively reside, of all such wares, or other article or articles aforesaid, which shall be so sold for exportation; which notice shall contain the quantities and denominations of all such wares, or other article or articles aforesaid, and the name and names of the person or persons to whom the same are so sold, and the port and place from which the same is to be exported; and all such notices shall be filed by the said commissioners, or their officers, to whom the same are given and sent as aforesaid; and a certificate thereof, containing the like quantities and denominations of the wares or other articles, and also the names, persons and places expressed in such notices respectively, shall, if required, be made out under the hands of the said commissioners, or their officers aforesaid, and delivered *gratis* to the person or persons by whom such notices respectively were given or sent; and in all prosecutions of offenders for selling or buying any such wares or other articles aforesaid, contrary to the provisions of this act, every such certificate shall be legal evidence of notice, and of the quantities and denominations of the wares and other articles aforesaid expressed or contained therein.

XXII. *And be it further enacted by the authority aforesaid,* That if any person or persons, licensed in pursuance of this act, shall be convicted or prosecuted to final judgement by any the ways or means by this act prescribed of or for any offence against this act, whereby any pecuniary penalty or sum of money is incurred or forfeited, the licence granted to the person or persons so convicted or prosecuted to judgement of or for such offence, shall thenceforth be null and void; and so from time to time, upon each and every successive conviction or judgement against such person or persons so offending as aforesaid, every new or subsequent

ſubſequent licence granted in purſuance of this act ſhall, in like manner, thenceforth be null and void; and that it ſhall not be lawful for the ſaid commiſſioners, or any of their officers reſpectively, after ſuch conviction or judgement, to grant any new licence purſuant to this act, to any perſon or perſons ſo convicted or proſecuted to judgement, unleſs ſuch perſon or perſons ſhall, at the time when ſuch new licence is granted, give ſecurity by bond to his Majeſty, his heirs and ſucceſſors, with one or more ſufficient ſureties, to be approved of by the ſaid commiſſioners, or the officer or officers by them appointed for that purpoſe, in the following ſums reſpectively, and on the following condition; that is to ſay, If ſuch perſon or perſons reſpectively ſhall have been ſo convicted or proſecuted to judgement for a firſt offence againſt this act, then ſuch bond to be entered into on the renewal of any licence vacated thereupon, ſhall be in the penal ſum of one hundred pounds ſterling money of *Great Britain*; and if ſuch perſon or perſons ſhall have been ſo convicted or proſecuted to judgement for a ſecond or other ſubſequent offence againſt this act, then ſuch bond ſhall be in double the penal ſum contained in the laſt preceding bond, entered into by ſuch perſon or perſons ſo offending as aforeſaid; and that the condition of ſuch bonds reſpectively ſhall be, that if ſuch perſon or perſons ſhall thenceforth well and truly conform to and obſerve all the regulations and proviſions of this act, ſo far as he, ſhe, or they ſhall be concerned therein, then ſuch bonds ſhall be void, otherwiſe to be and remain in full force; and the ſaid commiſſioners, or any three or more of them, and any officer or officers by them appointed for that purpoſe, are hereby authorized to take the ſaid bond or bonds; and in caſe the perſon or perſons entering into ſuch bond, and to whom ſuch licence ſhall have been granted, ſhall, at any time during the continuance of ſuch licence, or any future licence, have acted contrary to the regulations and proviſions of this act, and to the form and effect of the ſaid condition, then and in ſuch caſe the ſaid commiſſioners ſhall, and they are hereby required to cauſe every ſuch bond to be proſecuted with effect; and which proſecution ſhall and may be carried on againſt the principal obliger, his, her, or their ſurety or ſureties, or his, her, or their executors or adminiſtrators reſpectively, as the ſaid commiſſioners ſhall think proper.

XXIII. *And, in order to obviate any doubts which may ariſe in the conſtruction of this act, for want of a particular ſpecification, denomination, and enumeration of the different wares, or other articles aforeſaid, which are charged with, or ſubject to the rates or duties by this act impoſed, or to which the ſame ſhall extend; be it declared and further enacted by the authority aforeſaid, That, the rates and duties hereby impoſed on powders, paſtes, balls, balſams, ointments, oils, waters, waſhes, tinctures, eſſences, liquors, or other preparation or compoſition whatſoever, commonly called, known, or diſtinguiſhed, by the name of Sweet Scents, Odours or Perfumes, or by the name of Coſmeticks, uſed, or to be uſed, by any perſon or perſons as ſweet ſcents, odours perfumes, or coſ-*

What ſe-
curities are to
be given on
renewal of
forfeited
licences.

Duties to ex-
tend to all
articles in-
cluded in the
ſchedule an-
nexed.

meticks, which fhall be uttered, vended, or expofed to fale, in *Great Britain*; and alfo upon dentifrice powders, tinctures, and other preparation or compofition whatfoever, for the teeth or gums, which fhall be uttered, vended, or expofed to fale, in *Great Britain*; and alfo upon rolls, cakes, balls, or pieces, packets, boxes, or other inclofures of, or containing any pomatum, ointment, hair powder, or other preparation or compofition for the hair, which fhall alfo be uttered, vended, or expofed to fale in *Great Britain*; and upon perfons uttering, vending, or expofing to fale the fame; and all the powers, provifoes, articles, claufes, diftributions of penalties and forfeitures, and all other matters and things prefcribed or appointed by this act, for the raifing, levying, collecting, and fecuring the faid rates and duties, fhall particularly extend, and be deemed and adjudged to extend, to charge with the faid rates and duties all and every the wares and other article and articles mentioned, named, enumerated, or fpecified in the fchedule hereunto annexed, by the refpective names therein mentioned, or by whatfoever other name or names the fame have heretofore been, now are, or hereafter fhall be called, known, or diftinguifhed; and alfo all other powders, paftes, balls, balfams, ointments, oils, waters, wafhes, tinctures, effences, liquors, and other preparation or compofition aforefaid, called *Sweet Scents, Odours, Perfumes, or Cosmeticks*, as aforefaid; and all dentifrice powders, tinctures, and other preparation or compofition aforefaid for the teeth or gums; and all rolls, cakes, balls, or pieces, packets, pots, boxes, or other inclofures of, or containing any pomatum, ointment, hair powder, or other preparation or compofition aforefaid for the hair, not therein particularly enumerated or fpecified, having the fame or the like properties, qualities, virtues and efficacies, and ufed for the fame or the like purpofes with thofe wares or other articles fo enumerated or fpecified therein, as fully and effectually as if the feveral wares and other articles aforefaid, in and by this act above defcribed, and the feveral articles in the faid fchedule named, enumerated or fpecified, were particularly named, enumerated, or fpecified, in the body of this act.

XXIV. And be it further enacted by the authority aforefaid, That if any perfon or perfons fhall counterfeit or forge, or procure to be counterfeited or forged, any feal, ftamp, or mark, directed or allowed to be ufed, or provided, made, or ufed in purfuance of this act, for the purpofe of denoting the duties by this act granted; or fhall counterfeit or refemble the impreffion of the fame, upon any vellum, parchment, or paper, with an intent to defraud his Majefty, his heirs or fucceffors, of any the faid duties; or fhall utter, vend, or fell, any vellum, parchment, or paper, directed to be marked or ftamped with any mark or ftamp provided and ufed in purfuance of this act, with a counterfeit mark or ftamp thereupon, knowing fuch mark or ftamp to be counterfeit; or if any perfon fhall privately and fraudulently ufe any feal, ftamp, or mark, directed or allowed to be ufed by this act, with intent to defraud his Majefty, his heirs

Perfons counterfeiting ftamps, or uſing them, guilty of felony.

or

or fucceffors, of any of the faid duties, then every fuch perfon fo offending, and being thereof convicted, fhall be adjudged a felon, and fhall fuffer death as in cafes of felony, without benefit of clergy.

XXV. And be it further enacted by the authority aforefaid, That all powers, provifions, articles, claufes, and all other matters and things prefcribed or appointed by any former act or acts of parliament relating to the ftamp duties on vellum, parchment, and paper, fhall be of full force and effect with relation to the rates and duties hereby impofed, and fhall be applied and put in execution for raifing, levying, collecting, and fecuring the faid new rates and duties hereby impofed, according to the true intent and meaning of this act, as fully and effectually, to all intents and purpofes, as if the fame had feverally and refpectively been hereby enacted with relation to the faid new rates and duties hereby impofed.

Former powers relative to ftamp duties extended to this act.

XXVI. And be it further enacted by the authority aforefaid, That all pecuniary penalties hereby impofed, fhall be divided and diftributed (if fued for within the fpace of fix calendar months from the time of any fuch penalty being incurred), in manner following; one moiety thereof to his Majefty, his heirs and fucceffors, in the manner herein-after mentioned, and the other moiety thereof to the perfon or perfons who fhall inform and fue for the fame.

How penalties are to be appropriated.

XXVII. And be it further enacted by the authority aforefaid, That all pecuniary penalties impofed on any perfon or perfons for offences committed againft this act, fhall and may be fued for and recovered, with full cofts of fuit, in any of his Majefty's courts at *Westminfter*, for offences committed in that part of *Great Britain* called *England*, the dominion of *Wales*, or the town of *Berwick upon Tweed*; and in his Majefty's court of fefions, court of jufticiary, or court of exchequer, in *Scotland*, for offences committed in that part of *Great Britain* called *Scotland*, by action of debt, bill, plaint, or information, wherein no effoin, proteftion, privilege, wager of law, or more than one imparlance, fhall be allowed.

and how to be recovered.

XXVIII. Provided always, and be it further enacted by the authority aforefaid, That fuch divifion or diftribution of the penalties as aforefaid fhall be, and is hereby confined and refticted to the profecuting for the fame within the time herein-before for that purpofe limited; and that in default of fuch profecution within the time aforefaid, no informer or informers fhall have, or be intitled to any part or fhare of fuch penalties, but that the whole thereof fhall belong to his Majefty, his heirs and fucceffors, and fhall be recoverable in manner aforefaid; any thing herein contained to the contrary notwithstanding.

No informer intitled to his fhare of penalties who does not profecute in time limited.

XXIX. Provided always, and be it further enacted by the authority aforefaid, That it fhall and may be lawful to and for any juftice of the peace refiding near the place where the offence fhall be committed, to hear and determine any offence againft this act which fubjects the offender to any pecuniary penalty;

Juftices may determine matters relative to pecuniary penalties which ties.

which laid justice of the peace is hereby authorized and required, upon any such information exhibited, or complaint made in that behalf, at any time within six calendar months after such offence shall have been committed against this act, to summon the party accused, and also the witnesses on either side, and shall examine into the matter of fact, and upon due proof made thereof, either by the voluntary oath of the party, or by the oath of one or more credible witnesses or witnesses (which oath he is hereby impowered to administer), to give judgement or sentence for the penalty or forfeiture, according as in and by this act is directed; all which penalties and forfeitures so adjudged, shall be divided and distributed, one moiety thereof to the informer or informers who shall prosecute for the same, and the other moiety (the necessary charges for the recovery thereof being first deducted), shall be paid to the use of his Majesty, his heirs and successors, in the manner herein-before directed, and to award and issue out his warrant, under his hand and seal, for the levying any such pecuniary penalties or forfeitures so adjudged on the goods of the offender, and to cause sale to be made thereof in case they shall not be redeemed within three days, rendering to the party the overplus, if any; and where the goods of the offender cannot be found sufficient to answer the penalty, to commit such offender to prison, there to remain for the space of three months, unless such pecuniary penalty shall be sooner paid and satisfied; and if any person or persons shall find himself, herself, or themselves aggrieved by the judgement of any such justice, then, he, she, or they shall and may, upon giving security, to the amount of the value of such penalty and forfeiture, together with such costs as shall be awarded, in case such judgement shall be affirmed, appeal to the justices of the peace at the next general quarter sessions for the county, riding, shire, stewartry, or place wherein the offence was committed, who are hereby impowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgement shall be affirmed, it shall and may be lawful for such justices to award the person or persons to pay such costs, occasioned by such appeal, as to them shall seem meet.

XXX. And be it further enacted by the authority aforesaid, That if any person or persons shall be summoned as a witness or witnesses, to give evidence before such justice or justices of the peace touching any of the matters relative to this act, either on the part of the prosecutor, or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed of by such justice or justices of the peace before whom the prosecution shall be depending, that then every such person shall forfeit, for every such offence, the sum of forty shillings, to be levied and paid in such manner, and by such means as is herein-before directed as to other penalties.

XXXI. And, in order to avoid frivolous and vexatious appeals,
be

Appeal may be made to the quarter sessions.

Witnesses neglecting to attend, forfeit 40 shillings.

be it further enacted by the authority aforesaid, That the justices of the peace before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the like effect, *mutatis mutandis*; which conviction shall be good and effectual to all intents and purposes whatsoever, without stating the case, or the facts or evidence in any more particular manner; (that is to say),

BE it remembered, That on the _____ day of _____ Form of conviction.
 in the year of our Lord _____ in the county of _____
 A. B. of _____ was convicted before me
 C. D. one of his Majesty's justices of the peace for the said county,
 residing near to the place where the offence was committed, for that
 the said A. B. on the _____ day of _____ now
 last past did, [here state the offence against the act], contrary to
 the form of the statute in that case made and provided: and I do de-
 clare and adjudge, That he, the said A. B. hath forfeited the sum of
 _____ of law money of Great Britain, for the offence afore-
 said; which sum of _____ I do hereby mitigate to the
 sum of _____ [here state the mitigated penalty if neces-
 sary] to be distributed as the law directs.
 Given under my hand and seal, the _____ day of _____

XXXII. Provided nevertheless, That it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate and lessen any such penalties as he shall think fit, reasonable costs of the officers and informers, as well in making the discovery as in prosecuting the same being always allowed, over and above such mitigation, and so as such mitigation do not reduce the penalties to less than one moiety of the penalties incurred over and above the said costs and charges; any thing contained in this act, or any other act of parliament, to the contrary notwithstanding; and that no such conviction shall be removed by *certiorari* into any court whatsoever. Penalties may be mitigated. No conviction shall be removed by *Certiorari*.

XXXIII. And be it further enacted by the authority aforesaid, That the several duties herein-before granted, shall be paid from time to time into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and paper; who shall keep a separate and distinct account of the several rates and duties, and pay the same (the necessary charges of raising, paying, and accounting for the same, being deducted) into the receipt of the exchequer, at such time and in such manner as the duties now charged on stamped vellum, parchment, and paper, are directed to be paid; and that in the office of the auditor of the said receipt, there shall be provided and kept a book or books, in which all the monies arising from the said several rates and duties, and paid into the said receipt as aforesaid, shall be entered separate and apart from all other monies, paid or payable to his Majesty, his heirs or successors, upon any account whatsoever; and the said money, so paid Auditor to keep a separate account of the monies, which shall be carried to the sinking fund.

paid into the said receipt of exchequer as aforefaid, shall be carried to and made part of the fund commonly called *The Sinking Fund*, and shall be applicable to the same uses and purposes as the said sinking fund is, or by law may be applicable unto.

His Majesty's shares of penalties to be paid to the said receiver, and paid by him into the exchequer annually on Aug. 1;

XXXIV. And be it further enacted, That, from and after the said fifth day of *July*, one thousand seven hundred and eighty-six, all such penalties or forfeitures, and shares of penalties or forfeitures, as shall be due or payable to his Majesty, his heirs or successors, by virtue of this act, shall, from time to time, be paid into the hands of the said receiver general (or some other person to be authorized by the said commissioners for the time being, or the major part of them, to receive the same), who shall keep a separate and distinct account thereof, and pay the same (the necessary charges of paying and accounting for the same being deducted) into the receipt of the exchequer, on the first day of *August* in every year, unless the same shall be a *Sunday* or holiday, and then on the first day following not being a holiday; and in the office of the auditor of the said receipt there shall be provided and kept a book or books, in which all the monies arising from the said penalties or forfeitures, or shares of penalties or forfeitures paid into the said receipt, shall be entered in such manner as shall or may be directed by any act or acts of parliament of this present session; and the said monies, so to be paid into the said receipt of exchequer as aforefaid, shall be issued and applied to the use of his Majesty, his heirs and successors, in such manner and to such purposes as other penalties or forfeitures due or payable to his Majesty have heretofore been used to be, or directed to be paid or applied, and to no other use or purpose whatsoever.

and applied as other penalties.

XXXV. And be it further enacted by the authority aforefaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

General issue.

Treble costs.

SCHEDULE FIRST

To which this ACT refers :

Containing the names by which many sweet fcents, odours, perfumes, and cosmeticks, and other wares and articles of merchandize now in use, fubje& to the duties by this act impofed, are known or diftinguifhed; that is to fay,

Almonds, Powder of	Dentifrice, Vegetable Ditto
Pafte	Dew, Olympian
Soap	Naples
Wafh Balls	Filberts, Oil of
Amber, Effence of	Flowers, Effence of
Soap	Hair Powder, fo called
Wafh Balls	Honey Water
Balfam for the Hair	Honeyfuckles, Effence of
Bears' Greafe	Pomatums
Bergamotte, fo called	Hyacinth, Effence of
Effence of	Jeffamine, Effence of
Pomatums	Milk of
Wafh Balls	Oil of
Water	Powder of
Bouquet, fo called	Pomatums
Effence of	Syrup of
Powder	Water
Water	Jonquil, Effence of
Pomatums	Water of
Camphire Wafh Balls	Pomatums
Cedar, Effence of	Lavender, Diftilled Water
Citron, Effence of	Ditto from the
Civet, fo called	Flowers
Civet, Effence of	Effence of
Powder	Volatile Ditto
Cyprefs, fo called	Lavender, Powder of
Effence of	Pomatums
Water	Wafh Balls
Sweet Cyprefs Powder	Lemon, Effence of
Cyprian Odoriferous	Lillies, Carnation of
Powder	Milk of
Cithere Water	Powder of
Cream, Cold, for the Face	Wafh Balls
Beautifying, for Ditto	Lime, Effence of
White Cream Wafh	Marechalle, fo called
Balls	Powder of
Marble Ditto	Ducheffe
Dentifrice, fo called	French
Spence's Ditto	Pomatums
Rufpini's Ditto	Water
Pearl Ditto	Mignonette, Effence of
Myrrh Ditto	Millefleurs, Effence of
	Millefleurs,

- Millefleurs, Powder of
 Pomatum
 Water
 Musk, Effence of
 Powder of
 Myrrh, Effence of
 Myrtle, Effence of
 Oeillet, so called
 Effence of
 Pomatum
 Powder
 Orange, Effence of
 Powder of
 Butter
 Pomatum
 Orange Flower, Effence of
 Powder of
 Pomatum
 Paints, Rouge
 Blanche
 Vegetable Rouge
 Serviette Rouge
 Peach Kernels, Powder of
 Royal Tincture of
 Peach Blossoms, Powder of
 Pearl, Effence of
 Powder of
 Powder of Pearl of *India*
 Water
 PASTE, Chinese
 Spermacetti
 Pomatums, Duchesse
 French
 Flora
 Italian
 Common, hard
 and soft
 Scented
 Pomade de Nerole
 Pomade de Grasse
 Royal Pomatum
 for the Face
 Sweet Storax
 Pomatum
 Powders, A la Reine
 Aromatic
 Artois
 Bloom
 Devonshire
 Black
 Brown
- Powders, Grey
 Orris
 Orleans
 Pink
 Red
 Yellow
 Scented
 for the Face
 Chinese Face Powder
 Royal Powder
 Sangwine's Powder
 for the Teeth
 Shaving Powder
 Pulville, so called
 Rhodium, so called
 Effence of
 Roses, Effence of
 Cream of
 Vegetable Cream of
 Milk of
 Roses, Odour of
 Liquid Bloom of
 Powder of
 Pomatums
 Savon, Royal
 Savonette, de Grasse
 Soap, Alicant
 Bath
 Cake
 Improved
 Jerusalem
 Joppa
 Italian
 Naples
 Perfumed
 Venice
 Sweet Briar, Effence of
 Powder of
 Tinctures, for the Teeth
 Greenough's ditto
 Ruspini's ditto
 Thyme, Effence of
 Tuberoſe, Effence of
 Pomatum
 Water
 Violet, Effence of
 Powder of
 Fargeon's Powder of
 Pomatums
 Water
 Wash Balls, Circassian
 Wash Balls,

Wash Balls, Chemical	Waters, Cologne
Italian	Italian Hair Water
Marble	Mifs in her Teens
Queen's Marble	Suave
Royal Cyprian	Sans Pareille
Washes, Venetian Bloom	Vento's Italian Water
Turkish	Wool, China
Waters, Perfumed	India
Carmes	Spanifh

SCHEDULE SECOND

To which this ACT refers :

Containing the names of certain wares and other articles liable to the duties by this act imposed, and which are allowed to be kept for sale in bulk, or otherwise, without any stamped cover, wrapper, or label affixed thereto, until the time of actual sale thereof, if such cover, wrapper, or label shall, at the time of such sale, be *bona fide* and without fraud affixed thereto in pursuance of this act.

Almond Paste	Perfumed and coloured Hair
Powder	Powder, above the price
Bears' Grease	of two shillings <i>per</i> pound
Cold Cream	weight
Italian square hard Soap	Rouge in pots
Naples soft Soap	Wash Balls of all forts.

C A P. L.

An act for the encouragement of the southern whale fishery.

WHEREAS it is proper to encourage, by new and additional Premiums, the fishery carried on by his Majesty's European subjects in the seas to the southward of the Greenland seas and Davis's Straights, for the purpose of taking whales and other creatures found in those seas: and whereas it is of importance that immediate effect should be given to such new and additional premiums, for which reason it is necessary to repeal the laws by which the present premiums are granted; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifteenth day of June, one thousand seven hundred and eighty-six, so much of an act, passed in the fifteenth year of the reign of his present Majesty, intituled, *An act for the encouragement of the fisheries carried on from Great Britain, Ireland, and the British dominions in Europe; and for securing the return of the fishermen, sailors, and others, employed in the said fisheries, to the ports thereof, at the end of the fishing season,* as relates to the whale fishery carried on to the southward of the Greenland seas and Davis's Straights: and also so much of another act, passed in the

Preamble.

Part of 15 Geo. 3. c. 31;

and 16 Geo.
3. c. 47. re-
pealed.

ſixteenth year of the reign of his preſent Majeſty, intituled, *An act for the further encouragement of the whale fiſhery, carried on from Great Britain, and Ireland, and the Britiſh dominions in Europe, and for regulating the fees to be taken by the officers of the cuſtoms in the iſland of Newfoundland*, as relates to the ſaid whale fiſhery, ſhall be, and are hereby repealed, except ſo far as regards ſhips or veſſels, which may have been fitted and cleared out for the purpoſe of carrying on ſuch fiſhery before the fiſt day of *May*, one thouſand ſeven hundred and eighty-ſix, under the encouragements given by the ſaid acts.

Premiums
granted for
ten years to
twenty ſhips
fitted out for
the whale
fiſhery from
Great Britain
or Ireland.

II. And be it further enacted by the authority aforeſaid, That the ſeveral premiums hereafter mentioned ſhall be paid and allowed for ten years to twenty ſhips or veſſels employed in the ſaid fiſhery, under the limitations and reſtrictions hereinafter expreſſed; that is to ſay, Every ſuch ſhip or veſſel ſhall appear by her register to be *Britiſh* built, and ſhall be fitted and cleared out from ſome port of *Great Britain* or *Ireland*, or the iſlands of *Jerſey*, *Guernſey*, or *Man*, and ſhall be wholly owned by his Majeſty's ſubjects uſually reſiding in any of the dominions aforeſaid, and navigated as hereinafter directed.

Particulars of
premiums for
fiſteen ſhips
fiſt fitted out,
etc.

III. And be it further enacted by the authority aforeſaid, That for fiſteen of ſuch ſhips or veſſels which ſhall be ſo fitted and cleared out after the fiſt day of *May*, and before the fiſt day of *September*, in the preſent year one thouſand ſeven hundred and eighty-ſix, and between the fiſt day of *May* and the fiſt day of *September* in each ſucceeding year, and ſhall have ſailed to the ſouthward of the ſeventh degree of north latitude, and ſhall there have *bona fide* carried on the ſaid fiſhery, and ſhall return before the fiſt day of *July*, in the year ſubſequent to that in which they cleared out, to ſome port of *Great Britain*, there ſhall be paid and allowed five hundred pounds to each of the three ſuch ſhips or veſſels which ſhall ſo ſail and fiſt arrive; within the times herein-before mentioned, with the greateſt quantity of oil or head matter taken together, being not leſs in the whole than twenty tons in each of ſuch ſhips or veſſels, and being the produce of one or more whale or whales, or other creatures living in the ſeas, taken and killed by the crews of every ſuch ſhip or veſſel reſpectively; and there ſhall be paid and allowed four hundred pounds to each of the three ſuch ſhips or veſſels, which ſhall in like manner ſail and fiſt arrive with the next greateſt quantity of ſuch oil or head matter taken together, being not leſs in the whole than twenty tons in every ſuch ſhip or veſſel, and being the produce of any whale or whales, or other creatures living in the ſeas, ſo taken as aforeſaid; and there ſhall be paid and allowed three hundred pounds to each of the three ſuch ſhips or veſſels, which ſhall in like manner ſail and fiſt arrive with the next greateſt quantity of ſuch oil or head matter taken together, being not leſs in the whole than twenty tons in every ſuch ſhip or veſſel, and being the produce of any whale or whales, or other creatures living in the ſeas, ſo taken as aforeſaid; and there ſhall be paid and allowed

lowed two hundred pounds to each of the three such ships or vessels, which shall in like manner sail and first arrive with the next greatest quantity of such oil or head matter taken together, being not less in the whole than twenty tons in every such ship or vessel, and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid; and there shall be paid and allowed one hundred pounds to each of the three such ships or vessels which shall in like manner sail and first arrive with the next greatest quantity of such oil or head matter taken together, being not less in the whole than twenty tons in every such ship or vessel, and being the produce of any whale, or whales, or other creatures living in the seas, so taken as aforesaid.

IV. And be it further enacted by the authority aforesaid, That for five other of such ships or vessels, which shall be fitted and cleared out, and shall sail within the times herein-before mentioned, and proceed to the southward of the thirty-sixth degree of south latitude, and shall there *bona fide* carry on the said fishery, and shall return in not less than eighteen months, and not more than twenty-eight months, from the first day of *May*, in the year in which they clear out, to some port in *Great Britain*, there shall be paid and allowed seven hundred pounds to the first of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the greatest quantity of oil and head matter taken together, being not less in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the seas, and taken and killed by the crew of such ship or vessel; and there shall be paid and allowed six hundred pounds to the second of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the next greatest quantity of oil and head matter taken together, and being not less in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid; and there shall be paid and allowed five hundred pounds to the third of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the next greatest quantity of oil and head matter taken together, and being not less in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid; and there shall be paid and allowed four hundred pounds to the fourth of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the next greatest quantity of oil and head matter taken together, and being not less in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the seas, so taken as aforesaid; and there shall be paid and allowed three hundred pounds to the fifth of such ships or vessels which shall so sail and first arrive, within the times herein-before last mentioned, with the next greatest quantity of oil and head matter taken

Particulars of premiums for the five ships last fitted out.

taken together, and being not lefs in the whole than twenty tons, and being the produce of any whale or whales, or other creatures living in the fea, fo taken as aforefaid.

V. And be it further enacted by the authority aforefaid, That every fuch fhip or vefel fhall be navigated by perfons, of whom the mafter and at leaft three fourths of the mariners are his Majefty's fubjects ufually refiding in *Great Britain, Ireland, Guernfey, Jerfey, or Man*; or if fuch fhip or vefel fhall clear out from any port of *Great Britain*, then that fuch fhip or vefel may be navigated by perfons being proteftants, and who, not being fubjects of his Majefty, have been heretofore employed in carrying on the faid fifhery, and who fhall, at the time of clearing out of every fhip or vefel on board of which they fhall ferve refpectively, make oath, or, being a quaker, fhall make affirmation, before two or more of the principal officers of the cuftoms, of which the collector is to be one, at the port where fuch fhip or vefel fhall fo clear out, (which oath or affirmation they are hereby authorized and required to adminifter), if it is their firft voyage from any port of *Great Britain*, that they have already eftablifhed, or that it is their intention to eftablifh themfelves and their families in *Great Britain*, as inhabitants thereof, and fubjects of his Majefty; and if it fhall be their fecond, or any fubfequent voyage, that they actually have eftablifhed themfelves and their families in *Great Britain* as aforefaid.

VI. And be it further enacted by the authority aforefaid, That no premium granted by this act fhall be paid or allowed to any perfon or perfons whatever, for or on account of any fhip or vefel employed in the aforefaid fifhery, unlefs fuch fhip or vefel fhall have on board an apprentice indentured for the fpace of three years, at the leaft, for every fifty tons burthen of fuch fhip or vefel by admeafurement, every fuch apprentice not exceeding the age of eighteen years, nor being under fourteen years, at the time he fhall be fo indentured, and having proceeded on and continued the whole of the voyage both out and home for which any fuch premium fhall be claimed, unlefs fuch apprentice died or deferted in the courfe of the voyage; which facts fhall and are hereby required to be verified by the oath of the mafter, the mate, and two of the mariners belonging to fuch fhip or vefel, taken before two or more of the principal officers of the cuftoms, at the port to which fuch fhip or vefel fhall return from the faid fifhery, (of which the collector is to be one), which oath they are hereby authorized and required to adminifter; and in confirmation alfo thereof, the proper officers of the cuftoms belonging to the port to which fuch fhips or vefels fhall refpectively return, fhall, immediately after their return from fuch voyage refpectively, vifit every fuch fhip or vefel, and mufter the crew, and having fatisfied themfelves therein, fhall certify the fame to the commiffioners of his Majefty's cuftoms in *England* and *Scotland* refpectively.

VII. And be it further enacted by the authority aforefaid, That no premium granted by this act fhall be paid or allowed

The mafter and three fourths of the crew muft be Britifh fubjects, or foreign proteftants intending to eftablifh themfelves in Great Britain.

No premium fhall be paid, unlefs there is on board an apprentice for three years, for every 50 tons burthen:

Nor unlefs a log book

to any person or persons whatever, on account of any ship or vessel employed in the said fishery, unless a log book shall have been regularly kept on board such ship or vessel, in which log book the various situations and occurrences, respecting such ship or vessel, during the whole course of the voyage, shall be inserted every day, and particularly the times when such ship or vessel shall have been in sight of land, distinguishing what land, and the bearings thereof, and the supposed distances therefrom, and the soundings; and also the time when and the latitude in which any whale, or other creature living in the sea, shall have been killed, taken, or caught by the crew of such ship or vessel; which log book, so to be kept as aforesaid, shall be delivered by the master, or other person having or taking the charge or command of such ship or vessel, at the time of his making a report of such ship or vessel, to the collector of the customs at any port in *Great Britain*, where such ship or vessel shall arrive, on her return from the said fishery, for his inspection and examination; and the said master, or other person having or taking the charge or command of such ship or vessel, together with the mate thereof, shall jointly and severally verify on oath the contents of such log book before such collector, who is hereby authorised and required to administer the same

VIII. And be it further enacted by the authority aforesaid, That in case any such ship or vessel shall, in the course of her voyage, meet or fall in with any of his Majesty's ships or vessels of war, the master, or other person having or taking the charge or command of her, shall and is hereby required to produce to the captain, or other officer commanding such ship or vessel of war, the said log book, so to be kept as aforesaid; and such captain or commanding officer shall, and is hereby required to make a memorandum in such log book of the day on which it was so produced to him, and shall subscribe his name to such memorandum, and shall also make an entry in the log book of the said ship or vessel of war, of the name and description of the ship or vessel on board of which the log book of such ship or vessel, so produced to and signed by him, was kept; and in case such ship or vessel, on board of which a log book is required to be kept as aforesaid, shall put into any foreign port, where there is or shall be a *British* consul, or other chief *British* officer, the master, or other person having or taking the charge or command of such ship or vessel, shall and is hereby required to produce such log book to such *British* consul, or other chief *British* officer, who shall and is hereby required also to make a memorandum therein of the day on which it was so produced to him, and shall, in like manner, subscribe the same.

IX. And be it further enacted by the authority aforesaid, That the master, mate, and two of the mariners belonging to every such ship or vessel, shall and are hereby required, upon the importation into *Great Britain* of any oil or head matter as being taken on the fishery aforesaid, to declare upon oath, before two or more of the principal officers of the customs at the ports

shall have been regularly kept, which shall be delivered to the collector of the customs verified on oath.

The log book to be produced to the captain of any ship of war that may be met at sea, who shall make therein a memorandum of the production; and also to the *British* consul at any foreign port, for the like purpose.

Oath to be made that the cargo is the produce of creatures killed by the ship's crew.

of their arrival refpectively, of which the collector fhall be one (which oath they are hereby authorized and required to adminifter,) from what port, and the time when, fuch fhip or veffel cleared out, and that all fuch oil or head matter, fo imported, is the produce of one or more whale or whales, or other creatures living in the feas, actually and *bona fide* taken and killed by the crew of fuch fhip or veffel only, at the times, and in the latitudes refpectively mentioned and fet down in the log book fo to be kept as aforefaid.

Persons taking part of the cargo of other veffels for the purpofe of obtaining a premium, forfeit foal. one moiety to the informer, if information be given in a month after report at the custom-houfe.

When information has been given, owners to pay any fums due to mafters to the collectors of the customs; and if paid otherwife, fhall be accountable for the fame.

X. And be it further enacted by the authority aforefaid, That in cafe the mafter, or other perfon having or taking the charge or command of any fhip or veffel whatever, fitted out as aforefaid, for the purpofe of obtaining fome one or other of the premiums, granted by this act, fhall knowingly receive or permit, or fuffer to be received on board fuch fhip or veffel, for the purpofe of obtaining any one of the faid premiums, any oil, head matter, or any other produce whatever of any whale or whales, or other fifh or creatures living in the fea, which whale or whales, or other creatures living in the fea, fhall not have been really and *bona fide* caught and taken by the crew of fuch fhip or veffel only, fuch mafter, or other perfon having or taking the charge or command of fuch fhip or veffel, fhall forfeit the fum of five hundred pounds; one moiety of which fum fhall on recovery thereof, be paid to the perfon or perfons difcovering the fame, provided fuch perfon or perfons fhall give information of the offence within one month after fuch mafter, or other perfon having or taking the charge or command of fuch fhip or veffel, fhall have reported his fhip or veffel at the custom-houfe at the port to which fuch fhip or veffel fhall return from the faid fifhery; which mafter, or other perfon having or taking the charge or command of fuch fhip or veffel, is hereby required to make fuch report in the ufual time, and in the manner in which all trading fhips or veffels are reported before the proper officers of the customs; and the owner or owners of fuch fhip or veffel fhall, and is and are hereby authorized and required, in cafe, at the time fuch information fhall be given, any fum or fums of money fhall be due from him or them to fuch mafter, or other perfon having or taking the charge or command of fuch fhip or veffel, to keep and detain fuch fum or fums of money, and to pay the fame (towards difcharging the faid penalty) to the collector or other principal officer of the customs at fuch port to which fuch fhip or veffel fhall fo return from fuch fifhery; and if fuch owner or owners fhall pay any fum or fums of money to, or fhall otherwife account for, fuch fum or fums of money with any mafter or other perfon having or taking the charge or command of any fuch fhip or veffel, before the expiration of one month after the report fhall have been fo made at the custom-houfe as aforefaid, and fuch mafter or other perfon fhall be liable to the penalty aforefaid, fuch owner or owners fhall make good fuch fum or fums of money fo paid, or otherwife accounted for, and fhall pay the fame towards difcharging

discharging the aforefaid penalty into the hands of the collector, or other principal officer of the customs, in manner before directed.

XI. And be it further enacted by the authority aforefaid, That in case any whale or whales, or other creatures living in the sea, shall be caught or taken in any part of the ocean, to the northward of the seventh degree of north latitude, by the crew of any of the fifteen ships or vessels, to which premiums are given in manner before mentioned, or to the northward of the thirty-sixth degree of south latitude, by the crew of any of the five ships or vessels, to which other premiums are also given, in manner before mentioned, either on the voyage out or return home, of any such ship or vessel, the oil or head matter produced from such whale or whales, or other creatures so caught or taken, shall be accounted, and considered and taken to be part of the quantity of oil and head matter required to be taken and imported as aforefaid, to entitle the owner or owners of such ship or vessel to some one of the premiums herein-before granted; provided it shall appear by the log book of such ship or vessel, so kept as aforefaid, that such ship or vessel hath actually sailed beyond, and been *bona fide* employed in the fishery, either to the southward of the seventh degree of north latitude, or to the southward of thirty-six degrees of south latitude, as the case may be.

XII. And be it further enacted by the authority aforefaid, That in case any ship or vessel shall have been fitted out on the aforefaid fishery, under the rules and restrictions contained in the before recited acts, made and passed in the fifteenth and sixteenth years of the reign of his present Majesty, and shall have set sail upon a voyage for such fishery, after the first day of *January*, one thousand seven hundred and eighty-six, and before the said first day of *May*, one thousand seven hundred and eighty-six, and shall in all respects conform to the several and respective rules, regulations, and restrictions in and by the said recited acts directed and required, the owner or owners of every such ship or vessel shall be allowed and entitled to such one or other of the aforefaid premiums, granted by this act to the fifteen ships or vessels herein-before mentioned, as such owner or owners would be entitled to if such ship or vessel had been fitted out, and had sailed after the said first day of *May*, and before the said first day of *September*, one thousand seven hundred and eighty-six, in conformity to the regulations of this act; and every such ship or vessel shall be accounted as one in the number of the ships or vessels to which the fifteen premiums herein-before mentioned are granted.

XIII. And be it further enacted by the authority aforefaid, That in case all and every the several rules, regulations, and restrictions, prescribed and directed by this act, shall have been observed and fully complied with, it shall and may be lawful for the commissioners of his Majesty's customs in *England*, or any four or more of them, and the commissioners of his Ma-

Produce of whales caught in particular latitudes on the voyage to be deemed part of the quantity entitling to a premium.

Ships fitted out under the recited acts of 15 & 16 Geo. 3. which sailed between Jan. 1. and May 1, 1786, entitled to premiums.

Commissioners of the customs may order payment of the premiums.

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jeſty's cuſtoms in *Scotland*, or any three or more of them, to order the receiver general of his Majeſty's cuſtoms in *England* and *Scotland* reſpectively, to pay out of any money in his hands, ariſing by any duties under their management, to ſuch perſon or perſons as ſhall be legally intitled thereto, any of the premiums herein-before granted.

XIV. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any ſhip or veſſel, employed in carrying on the ſaid ſouthern whale fiſhery, to ſail and paſs for that purpoſe to the eaſtward of the *Cape of Good Hope*, and to the weſtward of *Cape Horn*, or through the *Streights of Magellan*; any law, uſage, or cuſtom to the contrary notwithstanding.

XV. Provided always, and be it further enacted, That any ſhip or veſſel ſailing to the eaſtward of the *Cape of Good Hope*, for the purpoſe aforeſaid, ſhall not ſail or paſs to the northward of thirty degrees of ſouth latitude, nor make more than fifteen degrees of eaſt longitude from the ſaid *Cape of Good Hope*; and that any ſhip or veſſel ſo ſailing or paſſing to the weſtward of *Cape Horn*, or through the *Streights of Magellan*, for the purpoſe aforeſaid, ſhall not paſs to the northward of the equinoctial line, nor make more than fifty degrees of weſt longitude from *Cape Horn*.

XVI. Provided alſo, and be it further enacted, That every ſhip or veſſel employed in the ſaid fiſhery, and intending to ſail or paſs to the eaſtward of the *Cape of Good Hope*, or to the weſtward of *Cape Horn*, or through the *Streights of Magellan*, ſhall, before ſhe ſhall proceed on her voyage, be obliged to take a licence for each reſpective voyage, from the court of directors of the united company of merchants of *England* trading to the *East Indies*, for the time being, in the name and under the ſeal of the ſaid company, ſpecifying which of the ſaid voyages ſuch ſhip ſhall be licensed to perform, and ſuch licence ſhall be valid and effectual only for the voyage therein expreſſed; and the ſaid court of directors ſhall not be required to grant any licence to paſs to the eaſtward of the *Cape of Good Hope*, to more than ten ſhips or veſſels in any one year or ſeaſon, nor to grant any licence to any ſhip or veſſel to ſail or paſs to the eaſtward of the *Cape of Good Hope*, unleſs the perſon or perſons applying for, or demanding ſuch licence, ſhall deliver to the ſaid court of directors a manifeſt or certificate under the hand of the collector or comptroller, or other chief officer of the cuſtoms belonging to the port or place from whence ſuch ſhip or veſſel is intended to clear out and ſail, verified by the oath of the owner or owners, or the maſter of ſuch ſhip or veſſel, taken before and attesteſt by any magiſtrate, or other perſon authorized by law to take affidavits, ſpecifying the names and places of abode of the owner or owners, and maſter of the ſaid ſhip, and alſo the ſpecies, quantity, quality, and value of all goods then on board of ſuch ſhip or veſſel, and of all goods (if any) intended to be afterwards taken into, or on board of the ſame, before her departure

parture outwards; and alfo unlefs it fhall, by fuch manifelt or certificate, appear unto the faid court of directors, that no goods or merchandizes whatever (fave and except the ftores of fuch fhip or veflel, and the tackle, materials, and other things neceffary for the purpofe of the voyage) are taken, or intended to be taken into or on board of fuch fhip or veflel.

XVII. And be it further enacted, That if any fhip or veflel to be employed in the faid fouthern whale fifhery, to the eaftward of the *Cape of Good Hope*, or the weftward of *Cape Horn*, fhall proceed or go beyond the limits herein-before fpecified or expreffed, unlefs driven or forced beyond the fame by ftrefs of weather, or other inevitable accident, or being fo driven or forced, fhall not return back within the limits herein-before prefcribed, with as much convenient fpeed as the fafety of the fhip or other circumftances will admit; or if any fhip or veflel fhall depart from any port or place without having firft obtained fuch licence as aforefaid, and fhall go or be found beyond the *Cape of Good Hope*, or beyond the *Streights of Magellan*, or in any other place within the limits of the faid company's exclusive trade; or if any fhip or veflel, being fo licensed to proceed to the fifhery beyond the *Cape of Good Hope*, fhall have on board, or fhall take on board before her return, any manufactures, goods, or merchandize, other than and except fuch as fhall have been fpecified and defcribed in and by fuch manifelt or certificate, and other than and except the oil, head matter, or bone of whales, or other fifh or creatures caught or taken in carrying on the faid fifhery; every fuch fhip or veflel, and the goods, merchandizes, and effects on board the fame, and the owner and owners, mafter and crew thereof, fhall be deemed and taken, to all intents and purpofes, to be fubject to the feveral provisions, regulations, penalties and forfeitures, by any act or acts, made or impofed upon any perfon or perfons, or their fhips, veflels, goods, merchandizes, and effects, who fhall repair, fail, adventure, or go to, or traffick, trade, or be found in the *East Indies*, or other place or places within the limits of the faid united company's exclusive trade, without licence having been firft obtained from the faid company; and the offenders fhall and may be fued and profecuted, and the penalties and forfeitures incurred fhall and may be recovered in any court of juftice in *Great Britain*, or in the *East Indies*, wherein fuits may be intituted and brought for offences committed againft the faid acts, or any of them.

XVIII. And be it further enacted by the authority aforefaid, That within thirty days next after the return of any fhip or veflel from a fifhing voyage from the eaftward of the *Cape of Good Hope*, the mafter of fuch fhip or veflel fhall deliver, or caufe to be delivered, to the fecretary of the faid united company, for the ufe of the faid court of directors, a certificate under the hand of the collector or comptroller, or other chief officer of the customs belonging to the port or place where the faid fhip or veflel fhall arrive, verified by the oath of the faid mafter,

Ships failing out of their limits, or having improper merchandize on board, liable to the penalties of trading to the *East Indies* without licence.

Certificates to be delivered to the fecretary of the *East India* company, that no produce of the *East Indies* has been im-

ported, to entitle to a premium.

mafter, taken before and attested by any magiftrate or other person authorized by law to take affidavits, that no goods or merchandizes whatever of the growth, produce, or manufacture of any place or places in the *East Indies*, *China*, or elsewhere between the *Cape of Good Hope*, and the *Streights of Magellan*, except oil, head matter, or bone of whales or other fish, have been taken on board such ship or vessel during the said voyage; but in case any such goods and merchandizes shall have been taken on board the said ship or vessel during the said voyage, then the said certificate shall specify the species, quantity, quality, and value of all such goods and merchandizes, and the cause or reason of taking the same on board; and the owner or owners of such ship or vessel shall not be entitled to any bounty under the authority of this act, until such certificate as aforesaid shall have been delivered to the said secretary, and such delivery shall have been proved by a production of his receipt for the same.

Ships failing within the limits of the South Sea company, must have licence from the company.

XIX. Provided always, and be it enacted by the authority aforesaid, That every ship or vessel intending to navigate within, or frequent any part of the seas comprized in the boundaries of the exclusive trade of the *South Sea* company, as described in and by an act of the ninth of her late majesty *Queen Anne*, shall, before she shall proceed on every such voyage, be obliged to take a licence for such voyage from the governor and company of merchants of *Great Britain* trading to the *South Seas*, and other parts of *America*, and for encouraging the fishery; and every vessel navigating such seas, without such licence, shall be liable to such forfeitures and penalties as are created and enacted by the said act; any thing in this act to the contrary thereof in any-wise notwithstanding.

No ship entitled to more than one premium the same season.

XX. And be it further enacted by the authority aforesaid, That no ship or vessel whatever shall be entitled, within or during the periods of time respectively limited by this act for such ship or vessel to sail on and to return from such voyage, to more than one of the premiums hereby granted, although such ship or vessel shall make two voyages within any one of the periods aforesaid.

If water be mixed with the oil, &c. imported, it shall be forfeited, as well as the claim to premium.

XXI. And be it further enacted by the authority aforesaid, That upon the return of every ship or vessel from the fisheries aforesaid, in which ship or vessel any oil or head matter shall be imported, and on account of which importation any of the premiums herein-before granted shall be claimed or demanded, in case there shall be any reason to suspect that such oil or head matter is mixed with water, or any other material or materials, in order to increase the quantity thereof, it shall and may be lawful to and for the collector, or other principal officer or officers of the customs, at the port to which such ship or vessel shall so return, to nominate, and appoint, and such collector, or other principal officer or officers, is and are hereby required to nominate and appoint one or more (as the case may require) skilful person or persons to examine such oil or head matter, for the

the purpose of ascertaining whether such oil or head matter has been mixed with any water, or any other material or materials whatever (other than oil or head matter so taken as aforesaid), whereby the quantity of such oil or head matter is increased; and if it shall appear, upon such examination, that there has been mixed with such oil or head matter any water, or any other material whatever, whereby the quantity of such oil or head matter is increased, the owner or owners shall not be intitled to any of the premiums granted by this act; and over and above the loss of the premium, such oil or head matter, so mixed as aforesaid, shall be forfeited and lost, and shall and may be seized by any officer or officers of his Majesty's customs; and if any dispute shall arise whether there hath been mixed with such oil or head matter any water, or any other material or materials whatever, not being oil or head matter so taken as aforesaid, whereby the quantity of such oil or head matter is increased, then, and in such case, the proof thereof shall lie on the owner or claimer of such oil or head matter, or on the person or persons claiming the premium on account of the importation of such oil or head matter, and not on the officer who shall seize or prosecute the same.

In case of dispute, the owner to prove the purity of the oil.

XXII. And be it further enacted by the authority aforesaid, That before any of the premiums granted by this act shall be paid or allowed to any person or persons whatever, the exact quantity of oil and head matter taken together, imported in such ship or vessel, shall be truly ascertained by the proper officer or officers of the customs, and such quantity shall be certified by them to the commissioners of the customs in *England* and *Scotland* respectively.

Quantity imported to be ascertained by an officer of the customs, &c. before premiums are paid.

XXIII. And be it further enacted by the authority aforesaid, That all oil, head matter, or other produce of fish or creatures living in the seas, caught and taken in the manner and under the regulations and restrictions required by this act, as also all fins of whales, and skins of seals, so caught and taken, and that all oil, head matter, or other produce of whales, or other creatures living in the seas, fins of whales, and skins of seals, taken and caught in any part of the ocean by the crew of any ship or vessel built in *Great Britain*, *Ireland*, or the islands of *Guernsey*, *Jersey*, or *Man*, wholly owned by his Majesty's subjects, usually residing therein respectively, and navigated in manner aforesaid, shall, upon importation into *Great Britain*, be admitted to entry, and landed without payment of any custom or duty whatever.

Oil, &c. may be imported in British ships duty-free.

XXIV. And be it further enacted by the authority aforesaid, That if any person or persons who, not being subjects of his Majesty, have been heretofore employed in carrying on the said fishery, and who shall have established themselves and their families in *Great Britain*, for the purpose of carrying on the said fishery, in manner before-mentioned, and who shall so have carried on the said fishery, and imported the produce thereof into *Great Britain*, for and during the space of five years suc-

cessively; settled in *Great Britain*, who shall have carried on the fishery 5 years, naturalized on taking the oath of allegiance.

ceffively; all which facts fhall be afcertained by a certificate or certificates from the proper officer or officers of his Majesty's customs; fhall, upon taking the oath of allegiance to his Majesty, his heirs and fucceffors, in one of his Majesty's courts of record at *Westminster* or *Edinburgh*, or at the general or quarter feflions of the peace where he or they refide, be confidered, deemed, and taken to be his Majesty's natural-born fubject or fubjects, and be intitled to all the privileges and advantages of his Majesty's natural-born fubjects; which oath fo taken as aforefaid fhall be enrolled by the court wherein the fame fhall be taken, and the record of fuch enrolment, or a copy thereof, properly authenticated, fhall be admitted and taken in all cafes as evidence of the fact, on the part of fuch perfon or perfons as aforefaid.

No harpooner to be imprefled.
 XXV. And be it further enacted by the authority aforefaid, That no harpooner, line manager, or boat fteerer, belonging to any fhip or veflel, fitted out on the aforefaid fifhery, fhall be imprefled from the faid fervice, but fhall be, and is hereby privileged and exempt from being imprefled, fo long as he fhall belong to, and be employed on board any fhip or veflel whatever in the fifhery aforefaid.

Ships belonging to foreign proteftants, who may come to refide in Great Britain, &c. before June 25, 1787, to be licensed, but not entitled to premiums.
 XXVI. And be it further enacted by the authority aforefaid, That if any perfon or perfons, being proteftants, and not being fubjects of his Majesty, who have been heretofore employed in carrying on the whale fifhery, and being the owner or owners of any fhip or veflel, and intending to refide, together with their families, in this kingdom, for the purpofe of continuing to carry on fuch fifhery from thence, fhall, on or before the twenty-fifth day of *June*, one thoufand feven hundred and eighty-feven, come into this kingdom, together with his or their family or families, and fhall bring any fhip or veflel, fhips or veflels, built before the firft day of *June*, one thoufand feven hundred and eighty-fix, to *Great Britain*, the number of fuch fhips or veflels, not exceeding forty in the whole manned with any number of feamen or fifhermen not lefs than twelve, having been heretofore employed in carrying on the faid fifhery in every fuch fhip or veflel, and it fhall be made appear to the fatisfaction of the commiffioners of his Majesty's customs in *England* and *Scotland* refpectively, by the oaths (or affirmations if quakers) of fuch owners refpectively, (which oaths or affirmations the faid commiffioners are hereby refpectively authorized and impowered to adminifter), and by other means that he or they, together with his or their family or families, (if any they fhall have), are then actually refident in *Great Britain*, and that twelve fuch feamen or fifhermen at the leaft are brought into *Great Britain* in every fuch fhip or veflel, and the fame fhall be certified, by the faid commiffioners in *England* and *Scotland* refpectively, to his Majesty, it fhall and may be lawful for his Majesty, his heirs and fucceffors, by and with the advice of his privy council, if he fhall fee juft caufe fo to do, to grant to the owner or owners of every fuch fhip or veflel, fhips or veflels,

not exceeding in the whole forty in number, a licence or licences to fit out any fuch fhip or vefſel, for the ſole purpoſe of carrying on the ſaid whale fiſhery from *Great Britain*, and to employ fuch ſhip or vefſel in carrying on the ſame; and every fuch ſhip or vefſel ſhall, from and after the granting of ſuch licence as aforeſaid, during the continuance of ſuch licence, enjoy all the privileges, and advantages which now by law belong, or may at any time hereafter belong, to any *British* ſhip or vefſel employed in the ſaid fiſhery (except the premiums herein-before granted); and ſhall be allowed to import oil, and all other produce of the whale fiſhery, ſubject to the regulations and proviſions herein-before contained, and free from all duties or impoſts; any law or uſage to the contrary notwithstanding.

XXVII. And be it further enacted by the authority aforeſaid, That if any fuch ſhip or vefſel, ſo licensed as aforeſaid, ſhall have been employed by ſuch owner or owners as aforeſaid, in carrying on the whale fiſhery from *Great Britain*, or ſhall be continued in carrying on ſuch fiſhery, in caſe of his or their deceaſe, during five ſucceſſive ſeaſons, and it ſhall be made appear, to the ſatisfaction of the commiſſioners of his Majeſty's customs in *England* and *Scotland* reſpectively; by a certificate or certificates, under the hands of the miniſter and churchwardens of the reſpective pariſhes in which the owner or owners of every ſuch ſhip or vefſel ſhall have reſided, and by other proper means, that he or they, or his or their family or families, have been reſident in ſuch pariſhes reſpectively for the ſpace of five years ſucceſſively, and the ſame ſhall be certified by the ſaid commiſſioners reſpectively to his Majeſty; then, and in ſuch caſe, it ſhall be lawful for his Majeſty, his heirs and ſucceſſors, by and with the advice of his privy council, to authorize ſuch owner or owners to register every ſuch ſhip or vefſel as ſhall have been ſo brought into this kingdom, and employed as aforeſaid in the whale fiſhery from thence for five ſucceſſive ſeaſons, by virtue of ſuch licence as aforeſaid, in like manner as if the ſame were a *British* ſhip, owned by *British* ſubjects, and navigated according to law; and every ſuch owner or owners ſhall alſo, from thenceforth, in reſpect of every ſuch ſhip or vefſel, be intitled to all ſuch bounties as are herein-before granted to *British* ſhips and vefſels employed in carrying on the ſaid fiſhery; and they, and each of them, ſhall have and enjoy the rights, privileges, and advantages of natural-born ſubjects of *Great Britain*, in like manner, and ſubject to the like diſabilities, as the ſame may be granted to aliens by ſpecial acts of parliament.

XXVIII. Provided always, That all and every owner or owners of every ſuch ſhip or vefſel, before he or they ſhall be admitted to register any ſuch ſhip or vefſel, ſhall take and ſubſcribe the oath of allegiance to his Majeſty, his heirs and ſucceſſors, in one of his Majeſty's courts of record at *Weſtmiſter* or *Edinburgh*, or at the general or quarter ſeſſions of the peace holden in the place where he or they reſide; which oath ſhall

In caſe of the death of a foreigner whole family had been reſident 5 years and his ſhip employed the like term in the fiſhery. Licence to be granted her as a *British* ſhip, &c.

Owner of ſuch ſhip to take the oath of allegiance.

be inrolled by the court wherein the fame fhall be taken and fubfcribed, on payment of the like fum or fums to the officer or officers of fuch court for entering the fame, as are or fhall be payable by law on the entry of fuch oath in the courts aforefaid, in any cafe where the fame is by law required.

Persons granting or uſing falſe certificates, forfeit 500l.

XXIX. And be it further enacted by the authority aforefaid, That if any perſon or perſons whatever fhall knowingly give or grant any falſe certificate or certificates for any of the purpoſes required or directed by this act, ſuch perſon or perſons ſhall forfeit the ſum of five hundred pounds; and be rendered incapable of ſerving his Majeſty, his heirs or ſucceſſors, in any office whatever: and if any perſon or perſons ſhall counterfeit, erafe, alter, or falſify any certificate or certificates required by this act, or ſhall knowingly or willingly make uſe of any falſe certificate or certificates, or of any certificate or certificates ſo counterfeited, eraſed, altered, or falſified, ſuch perſon or perſons ſhall, for every ſuch offence, forfeit the ſum of five hundred pounds; and every ſuch certificate or certificates ſhall be invalid and of no effect.

How Penalties are to be appropriated.

XXX. And be it further enacted by the authority aforefaid, That one moiety of the penalties and forfeitures inflicted by this act (except in ſuch caſes where other directions are given by this act), ſhall be to the uſe of his Majeſty, his heirs and ſucceſſors, and the other moiety to ſuch officer or officers of the cuſtoms as ſhall ſue or proſecute for the ſame in any of his Majeſty's courts of record at *Westminster*, or in the court of exchequer in *Scotland* reſpectively, where the offence ſhall be committed.

General iſſue.

XXXI. And be it further enacted, by the authority aforefaid, That if any action or ſuit ſhall be commenced againſt any perſon or perſons whatever, for any thing done in purſuance of this act, the defendant or defendants, in ſuch action or ſuit, may plead the general iſſue, and give this act, and the ſpecial matter, in evidence at any trial to be had thereupon, and that the ſame was done in purſuance of and by the authority of this act: and if it ſhall appear ſo to have been done, the jury ſhall find for the defendant or defendants; and if the plaintiff ſhall be nonſuited, or ſhall diſcontinue his action, after the defendant or defendants hath or have appeared, or if judgement ſhall be given upon any verdict or demurrer againſt the plaintiff, the defendant or defendants ſhall recover treble coſts, and have the like remedy for the ſame as defendants have in other caſes by law.

Treble coſts.

C A P. LI.

An act for better ſecuring the duties on ſtarch, and for preventing frauds on the ſaid duties.

Preamble.

WHEREAS, notwithstanding the many laws made for ſecuring the duties on ſtarch, and for proteſting the fair trader, many groſs frauds are ſtill frequently practiſed by various perſons, to the great loſs of the revenue, and the injury of the fair trader; for
remedy

remedy thereof, be it enacted by the King's moſt excellent ma-
 jeſty, by and with the advice and conſent of the lords ſpiritual
 and temporal, and commons, in this preſent parliament aſſem-
 bled, and by the authority of the ſame, That from and after the
 twenty-fourth day of *June*, one thouſand ſeven hundred and
 eighty-fix, before any ſtarch ſhall be put into the ſtove or any
 other place to dry, (except for cruſting), all ſuch ſtarch ſhall be
 put or wrapped in papers, and ſhall be tied in manner herein-
 after directed; and that when any ſtarch-maker ſhall be deſirous
 of papering ſtarch for drying, he, ſhe, or they, ſhall give to the
 officer for the duties on ſtarch, of the diviſion or diſtrict where
 his, her, or their ſtarch-*houſe* is ſituated, twelve hours notice in
 writing, if ſuch ſtarch-*houſe* ſhall be ſituated within the limits
 of the chief office of exciſe in *London*, or if ſuch ſtarch-*houſe*
 ſhall be ſituated in any other part of *Great Britain*, twenty-four
 hours notice in writing, of the particular time and hour when
 he, ſhe, or they, intend to begin to paper his, her, or their ſtarch
 for drying, and ſhall in ſuch notice expreſs the number of pie-
 ces intended to be papered, and into what particular ſtove or
 other drying-place ſuch pieces are intended to be put to dry;
 and in caſe ſuch ſtarch-maker ſhall not begin to paper his, her,
 or their ſtarch at the time and hour mentioned in ſuch notice,
 or within one hour next after, then every ſuch notice ſhall be
 void, and ſuch ſtarch-maker ſhall be obliged to give a freſh and
 like notice in writing before he, ſhe, or they ſhall begin to paper
 his, her, or their ſtarch; and when any ſuch maker or makers
 of ſtarch ſhall begin to paper ſuch ſtarch, he, ſhe, or they ſhall
 proceed and continue to paper the ſame until all the pieces of
 ſtarch mentioned in ſuch notice ſhall be papered.

II. And be it further enacted by the authority aforeſaid,
 That every maker of ſtarch ſhall cauſe every piece of ſtarch,
 when papered, to be tied with ſtrings croſſing each other on that
 ſide of the piece where the ends of the paper ſhall be folded,
 and ſhall cauſe to be ſtrongly affixed or paſted, with warm paſte
 made with glue, on every piece of ſtarch ſo papered and tied, a
 label, or piece of thin paper, three inches long and three inches
 broad at the leaſt, of a different colour from the paper in which
 the ſtarch ſhall be wrapped; that is to ſay, If the ſtarch ſhall be
 wrapped in blue or brown paper, the ſaid label or piece of thin
 paper ſhall be white; and if the ſtarch ſhall be wrapped in white
 paper, ſuch label or piece of thin paper ſhall be blue; and ſuch
 label or piece of thin paper ſhall be affixed on that ſide of the
 piece of ſtarch where the ends of the paper ſhall be folded, and
 in ſuch manner as to prevent the opening of the ſaid paper of
 ſtarch without tearing the ſaid label or piece of thin paper; and
 the officer of the duties on ſtarch for the diviſion or diſtrict
 where ſuch ſtarch-*houſe* ſhall be ſituated, ſhall attend and ſee
 ſuch ſtarch papered and tied in manner aforeſaid, and ſuch label
 or piece of thin paper affixed on every piece of ſuch ſtarch, and
 ſhall take an account of every piece of ſuch ſtarch; and ſuch
 officer ſhall cauſe every piece of ſtarch ſo papered as aforeſaid to

From June 24,
 1786, notice
 ſhall be given
 of the inten-
 tion to paper
 ſtarch for dry-
 ing, and of the
 quantity.

Starch ſhall be
 begun to be
 papered with
 in an hour af-
 ter the time
 expreſſed in
 the notice.

Every paper
 of ſtarch ſhall
 have a label
 thereon,
 ſtamped by the
 officer, on pe-
 nalty of 100l.

be stamped or sealed upon such label or piece of thin paper aforesaid, with such stamp or seal as shall be provided by the commissioners for the duties on starch in *England* and *Scotland* respectively for that purpose, before any such piece of starch shall be put into the stove to dry; and if any starch-maker shall begin to paper his, her, or their starch without giving such notice as aforesaid, or having given such notice, and begun to paper his, her, or their starch as aforesaid, shall not proceed and continue to paper such starch in manner aforesaid, or shall not cause the same to be tied in manner aforesaid, and such labels or pieces of thin paper to be affixed thereon, as aforesaid, every starch-maker so offending shall, for every such offence, forfeit the sum of one hundred pounds.

Every parcel, &c. of starch found unstamped, to be forfeited, and the owner fined 200l.

III. And be it further enacted by the authority aforesaid, That, from and after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, if any piece or pieces of starch papered, not being stamped in manner aforesaid, or any piece or pieces of starch not papered, or loose starch, or scrapings of starch, shall be found in any stove or other place for drying belonging to any starch-maker, (whether such place shall be an entered place or not an entered place), all such starch papered and not stamped, or not papered, or loose starch, or scrapings of starch, shall be forfeited, and the starch-maker, in whose possession such unstamped starch, loose starch, or scrapings, shall be found, shall forfeit the sum of two hundred pounds: provided, that nothing herein contained shall extend to pieces of starch put into the stove for crusting only before the same shall be scraped.

Commissioners for starch duties to distribute proper stamps, to be affixed without doing damage to the starch.

IV. And be it further enacted by the authority aforesaid, That the commissioners for the duties on starch in *England* and *Scotland* respectively, shall, on or before the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, provide proper stamps or seals for stamping or sealing the papers, containing all pieces of starch which shall be made and papered in *England* and *Scotland* respectively, and by this act directed to be stamped or sealed, and shall cause such stamps or seals to be distributed to the respective officers for the purpose before mentioned; which officers are hereby enjoined and required in using the same, to do no hurt or damage, or the least damage that may be, to the starch or paper containing the same to be so stamped or sealed, which stamps or seals shall and may, from time to time, be varied or altered as often as the said respective commissioners shall think fit to alter the same.

After notice given agreeable to act 25 Geo. 3. cap. 74. every

V. And, for the better preventing or discovering any frauds that may be attempted by shipping starch for exportation, in order to obtain a drawback of the duties thereupon, and afterwards relanding the same to be consumed in Great Britain, be it further enacted by the authority aforesaid, That when any starch-maker, or dealer in starch, who shall have paid all his Majesty's duties upon any quantity of starch, or shall have bought, or shall be lawfully entitled to any quantity of starch from the person or persons who actually

actually paid the said duties thereupon, shall intend to export any such starch, and shall have given such notice of packing up the same, in order to be exported, to the officer appointed for that purpose, as is required by an act, passed in the last session of parliament, intituled, *An act for repealing the duty imposed on tea by an act passed in the last session of parliament, and for granting other duties in lieu thereof; for repealing so much of several acts as relates to the removal of tea; for directing the officers of excise to examine and certify the exportation of exciseable commodities; and for better securing the duties on candles;* it shall be lawful for such officer, who shall attend to see the said starch packed up, and he is hereby required to stamp or mark every paper of starch so intended to be packed up, in order to be exported, on the label or piece of thin paper herein-before directed to be affixed thereon, with such stamp or mark, having the word *Exportation* denoted thereon, as the commissioners for the said duties on starch in *England* and *Scotland* respectively shall provide and direct to be used for that purpose; and the said respective commissioners shall, on or before the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, provide proper stamps or marks, having the word *Exportation* denoted thereon, and shall cause the same to be distributed to the proper officers respectively for the purposes last aforesaid, which stamps or marks shall and may, from time to time, be varied or altered, as often as the said respective commissioners shall think fit to alter the same.

paper of starch for exportation to have a proper label put thereon by the officer.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forge or counterfeit any such stamp or mark, which shall be provided for stamping or marking starch intended to be exported, every person so offending shall, for every such offence, forfeit the sum of one hundred pounds.

Persons forging any stamp to forfeit 100l.

VII. And be it further enacted by the authority aforesaid, That the said officer or officers, who shall attend to see such starch packed up in order to be exported, shall not permit to be packed up, in order to be exported, any piece or pieces of starch, not having thereon the label, or piece of thin paper, stamped as is herein-before directed, intire and unbroken; and all such starch so intended to be exported shall be subject to all the regulations required by the said act, made in the last session of parliament, concerning starch intended to be exported; provided that nothing in this act contained shall extend to starch ground into powder, commonly called *Hair Powder*, which shall at any time be intended to be exported.

No starch to be exported without a perfect label.

VIII. And be it further enacted by the authority aforesaid, That, from and after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, if any piece or pieces of starch, stamped with the said stamp or mark as aforesaid, provided for stamping or marking starch intended to be exported, shall be found upon land, except in the warehouse or place where the same shall be packed up before the same shall be shipped, or in removing from thence to be put on board the ship in which

Act not to extend to exportation of starch made into hair powder.

Starch stamped for exportation forfeited, if found any where but where packed up, or removing from

thence to be
fhipit.

the fame is intended to be exported, all and every fuch piece or pieces of ftarch fhall be forfeited, and may be feized by any officer of the customs or excife, or for the duties on ftarch.

Regulations
with regard to
the fcrapings
of ftarch, left
afterpapering.

IX. And be it further enacted by the authority aforefaid, That within one hour after the pieces of ftarch fhall have been papered and ftamped by the officer, all the fcrapings belonging to fuch pieces of ftarch fhall be weighed and taken account of by the officer, and fhall be put into water in frames, tubs, or other utensils, and fhall not be mixed with any other ftarch or preparation for making ftarch then in operation; and the faid fcrapings fhall be immediately diffolved, and ftained through a fieve, and being fo ftained, the officer for the duties on ftarch fhall take an account thereof as a green water, and the fame fhall not be again difturbed or meddled with, until fuch notice fhall be given for boxing the fame, as is required by an act made in the fourth year of the reign of King George the Second, intituled, *An act to prevent frauds in the revenue of excife, with refpect to ftarch, coffee, tea, and chocolate*; and another act, made in the nineteenth year of his prefent Majefty's reign, intituled, *An act for better fecuring the duties on ftarch*; and the faid fcrapings of ftarch, fo put into water and diffolved, fhall be chargeable, and fhall be charged by the proper officer with all the fame duties upon ftarch as any other ftarch, and in like manner as any other ftarch, or materials for making ftarch, are or ought to be charged with.

4 Geo. 2. c.
24.

39 Geo. 3.
c. 40.

X. And whereas, it being required by this act that fcrapings of ftarch fhould be diffolved in water, and converted into green waters, it is reasonable that an allowance fhould be made for the faid fcrapings, out of the amount of the boxgage or boxgages of which the faid fcrapings have been a part; be it therefore further enacted by the authority aforefaid, That after the fcrapings of ftarch fhall be weighed by the officer, and the faid fcrapings fhall be put into water, as by this act is required, the faid officer fhall deduct feven tenth parts of the weight of fuch fcrapings, from the amount of the boxgage of which fuch fcrapings have been a part, provided the weight of fuch fcrapings do not exceed one fifth part of the whole amount of fuch boxgage or gages; but if the weight of fuch fcrapings exceed the aforefaid proportion, yet no greater deduction fhall be made than according to the faid proportion; that is to fay, No greater deduction fhall be made, in any cafe, than feven tenth parts of one fifth part of the faid amount of the boxgage or gages; and it fhall be lawful for the officer to charge the ftarch-maker with the duties from the amount of the boxgage or boxgages, after fuch deduction fhall have been made therefrom, provided fuch amount, after fuch deduction made, fhall not be lefs than the actual weight of the ftarch, when the fame is removed from the ftove, or other drying place or places, and weighed: provided alfo, that no allowance or deduction fhall be made in cafes where the duties fhall be charged according to the gage taken in the four waters, or in the green waters, together with the flimes, as directed by the faid act, made in the nineteenth

Allowance to
be made for
the fcrapings,
which are to
be weighed by
an officer, and
diffolved and
ftained with-
in one hour
afterwards, on
penalty of
200l.

nineteenth year of his present Majesty's reign, or by this act; and in case any starch-maker shall neglect to put all such scrapings under water, and to stir the same until dissolved, and to strain the same through a sieve, within the space of one hour after the same shall have been weighed and taken account of by the officer, every such starch-maker so offending shall forfeit the sum of two hundred pounds; and in case any starch-maker shall, after such scrapings shall have been dissolved and strained into any frame, tub, or other utensil, wilfully cause the same to be disturbed, or the whole, or any part thereof, to be taken away before notice shall have been given of boxing the same, such starch-maker shall be deemed to have boxed starch without notice, and shall forfeit and lose the sum of two hundred pounds, as by the said act made in the nineteenth year of his Majesty's reign is directed; and in case any starch-maker, in order to encrease the quantity of scrapings before the same shall be weighed by the officer, shall mix therewith any starch of the same, or any other making, or any flour, meal, or other material whatever, or wilfully cause any water, or other liquid, to be put to such scrapings, or by any means whatever cause the said scrapings to be increased in weight, such starch-maker shall, for every such offence, forfeit the sum of two hundred pounds.

Scrapings not to be taken away without notice given of boxing, nor increased in weight, on penalty of 200l.

XI. *And whereas it may happen that the paper wherein any piece of starch shall be contained, after the same has been stamped as aforesaid, may, in the stove or other drying-place, or by taking from the stove or other drying-place, or otherwise by accident, be broken or damaged, so as to be unfit for sale; be it further enacted by the authority aforesaid, That when the paper wherein any piece of starch shall be contained, shall by any accident be broken or damaged, and the starch-maker, to whom the same belongs, shall be desirous of having the same repapered and restamped, such starch-maker shall give to the said officer for the said duties, in the division or district in which his, her, or their starch-house shall be situated, twelve hours notice in writing, if such starch-house shall be situated within the limits of the chief office of excise in London, or if such starch-house shall be situated in any other part of Great Britain, twenty-four hours notice in writing, that such starch-maker desires to have such piece or pieces of starch repapered and restamped; and thereupon it shall be lawful for such officer, being satisfied that such piece or pieces of starch had before been duly stamped, and that the paper or papers containing the same had been broken or damaged by accident, as soon as is convenient after the expiration of such twelve hours or twenty-four hours respectively, to restamp such piece or pieces of starch, the same being repapered and tied, and such label or piece of thin paper as aforesaid being affixed or pasted thereon in manner herein-before directed.*

Damaged stamps may be replaced by the officer.

XII. *And, to the end that starch made in Great Britain, and charged with the duties on starch before the commencement of this act, may not be improperly seized; be it further enacted by the authority aforesaid, That the respective commissioners for the duties*

Starch in hand to be stamp'd, if application be made to the commissioners within three months after commencement of this act.

on starch shall, on or before the said twenty fourth-day of *June*, one thousand seven hundred and eighty-six, provide proper stamps or seals for stamping or sealing all stock of starch in the hands of any starch-maker, and shall at all times, within three months, from the commencement of this act, at the request and desire of any such starch-maker, order and direct the proper officer for the said duties to stamp or seal every piece of starch made in *Great Britain*, and charged with the said duties before the commencement of this act, and then remaining in the possession of such starch-maker, with such mark, impression, stamp, or device as to such respective commissioners shall appear most proper for that purpose, such pieces of starch being papered and tied with strings, and such label or piece of thin paper being affixed or pasted thereon, in manner herein-before directed, by the starch-maker who shall desire the same to be so marked or stamped, and oath being made by such starch-maker, or his, her, or their chief workman, that all such starch was made in *Great Britain* before the commencement of this act, and that the duties have been duly charged thereon; which oath the surveyor or supervisor of the division or district within which the starch-house belonging to such starch-maker is situated, is hereby authorised and required to administer; and all starch, so marked and stamped in pursuance of such orders and directions, shall and may be removed, sold, and disposed of, as if the same had been made since the commencement of this act, and the directions of this act fully complied with.

In three months after June 24, 1786, all unstamped starch above 28lb. seizable, and the owner to forfeit 10s. per lb.

XIII. And be it further enacted by the authority aforesaid, That, from and after the end of three months after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, all starch not being stamped as by this act is directed, and all loose starch exceeding the quantity of twenty-eight pounds weight, and all scrapings of starch which shall be found in the possession of any starch-maker, or of any other person, for the use of such maker or dealer, or that shall be found removing or removed by land or by water, shall be forfeited, and may be seized by any officer for the said duties, together with the chest, cask, sack, or other package containing the same, and the boat or vessel, horses or other cattle, waggon, cart, or other carriage, made use of in removing the same; and the starch-maker or dealer in starch, or other person receiving starch to the use of such starch-maker or dealer, in whose possession any such unstamped starch, or any such loose starch, exceeding the quantity of twenty-eight pounds weight, or such scrapings of starch, shall, after the end of the said three months after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, be found, shall forfeit the sum of ten shillings for every pound weight of such unstamped starch, or of such scrapings, or for every pound weight exceeding twenty-eight pounds weight of such loose starch: provided, that nothing herein contained shall extend to starch made into hair powder, or to any quantity of starch taken out of the papers in the possession of any hair powder maker, or in

Not to extend to starch made into hair powder, &c.

in the poffeffion of any blue-maker, or to any quantity of ftarch taken out of the papers, not exceeding twenty-eight pounds weight, in the poffeffion of any dealer in or feller of ftarch, nor to the returns from the fieves, that may be in the poffeffion of any makers of hair powder.

XIV. And be it further enacted by the authority aforefaid, That if any perfon or perfons fhall at any time forge or counterfeit any ftamp or feal, to refemble any ftamp or feal which fhall be provided in purfuance of this act for ftamping or fealing ftarch made and papered in *Great Britain* after the commencement of this act, or the ftock of ftarch in the hands of any ftarch-maker, or fhall counterfeit or refemble the impreffion of the fame upon the papers containing ftarch as aforefaid, thereby to defraud his Majefty, his heirs or fucceffors, of the duties upon ftarch, then every perfon fo offending, being thereof convicted in due form of law, fhall be adjudged a felon, and fhall fuffer death as in cafes of felony, without benefit of clergy; and if any perfon or perfons fhall at any time fell any ftarch with any fuch forged or counterfeit ftamp or feal, or impreffion thereon, knowing the fame to be forged and counterfeited, and with an intent to defraud his Majefty, his heirs or fucceffors, or fhall knowingly fix, or caufe to be fixed, any paper, ftamped according to this act, to any piece of ftarch, other than that which was originally inclofed in fuch paper, with intent to defraud his Majefty, his heirs or fucceffors, every perfon fo offending fhall, for every fuch offence, forfeit the fum of five hundred pounds.

Persons forging stamps guilty of felony;

and persons using them forfeit 500l.

XV. And whereas, by the aforefaid act, made in the nineteenth year of his prefent Majefty's reign, intituled, An act for the better fecuring the duties on ftarch, all ftarch-makers are required to give fuch notices as in the faid act are mentioned, before they begin to empty or wafh out their vats, and before they begin to take off the flimes or wafh from the four waters; but there is not any time limited within which fuch ftarch-makers fhall finish the emptying or wafhing out their vats, or the taking off the flimes or wafh from the four waters: and whereas there is not any time limited therein for fhifting the four waters or green waters, be it therefore enacted by the authority aforefaid, That, from and after the faid twenty-fourth day of June, one thoufand feven hundred and eighty-fix, every maker of ftarch, after he fhall have begun to empty or wafh out his vat or vats, agreeably to the notice by the faid act required, fhall proceed and continue to empty or wafh out fuch vat or vats, until the whole of fuch vat or vats fhall be emptied or wafhing out, without leaving off, except for the fpace of one night; and every fuch ftarch-maker fhall finish emptying or wafhing out fuch vat or vats, within the fpace of forty-eight hours, from the time of beginning to empty or wafh out the fame; and every ftarch-maker, after he fhall have begun to take off the flimes or wafh from the four waters, agreeably to the notice by the faid act required, fhall proceed and continue to fhift the faid four waters until the whole is finished, and fhall finish the fhifting the faid four waters within the fpace of twelve hours from the

Recital of act 19 Geo. 3. c. 40.

Vats to be emptied in 48 hours, and four waters fhifted in 12 hours, after beginning thofe operations, on penalty of 100l.

time

time of beginning to take off the faid flimes or wafh; and every ftarch-maker who fhall not finifh the emptying or wafhing out his, her, or their vat or vats, within the fpace of forty-eight hours from the time of beginning the fame, or fhall not finifh the fhifting the faid four waters within the fpace of twelve hours, from the time of beginning to take off the faid flimes or wafh, fhall, for every fuch offence, forfeit the fum of one hundred pounds.

Green waters to remain undifturbed 24 hours, after fhifting the four waters; of which fhifting a declaration is to be made, on penalty of 100l. for offence in either particular.

XVI. And be it further enacted by the authority aforefaid, That when any ftarch-maker fhall have finifhed the taking off the flimes and wafh from the four waters, and the green waters fhall be put into the frames, tubs, or other utenfils, ufed for preparing and making the fame into ftarch, the faid green waters fhall remain unmoved and undifturbed in the fame frames, tubs, or other utenfils, for the fpace of twenty-four hours at the leaft from the time the fhifting of the four waters fhall have been finifhed; and the faid green waters fhall not, during the faid fpace of twenty-four hours, be moved or difturbed in the faid frames, tubs, or utenfils: and that the officers for the duties upon ftarch may be able to afcertain when the faid green waters were fo put into the faid frames, tubs, or other utenfils, after the fhifting of the four waters had been finifhed as aforefaid, every maker of ftarch fhall give, or caufe to be given, to the officer for the faid duties under whole furvey fuch maker of ftarch fhall then be, a declaration in writing, fpecifying therein the particular hour or time of the day when fuch maker of ftarch did finifh fhifting the four waters; and if any maker of ftarch fhall, after the faid twenty-fourth day of *June*, one thoufand feven hundred and eighty-fix, neglect to deliver fuch declaration laft aforefaid, or fhall move or difturb the green waters during the fpace of twenty-four hours after the fhifting the four waters fhall have been finifhed, agreeably to fuch declaration laft aforefaid, then every fuch maker of ftarch fhall, for every fuch offence, forfeit and lofe the fum of one hundred pounds.

If ftarch, of which a gauge has been taken while making, is miffed, the duty on it to be charged according to that gauge.

XVII. *And, the better to prevent any frauds by the fecreting or concealing of ftarch*, be it enacted by the authority aforefaid, That in cafe any officer or officers for the duties upon ftarch fhall at any time miff any quantity of ftarch, or materials for making ftarch, of which an account had been taken by gauge while the fame was in the green waters and in the flimes refpectively, and before the faid ftarch fhall have been put into the boxes, and fhall not, upon reasonable demand, receive fatisfaction what is become of the fame, then, and in every fuch cafe, it fhall and may be lawful for fuch officer or officers to charge the maker of fuch ftarch according to the gauge or gauges taken of the fame in the green waters, together with the flimes, and every fuch maker fhall pay the duty fo charged.

XVIII. *And whereas by the faid act, made in the nineteenth year of his prefent Majefty's reign, it is enacted, That if any maker of ftarch fhould, at any time whilft his ftarch is in operation and under water, mix, or caufe to be mixed, any of the ftarch waters of one making with thofe*

those of another making, every such maker of starch shall forfeit and lose for every such offence one hundred pounds, except such mixing be made in presence of an officer for the duties on starch: and whereas the mixing the starch waters of one making with those of another making, although in the presence of an officer, is found to be inconvenient, inasmuch as the officer is thereby prevented having an exact gauge of the starch during its operation in the frames; to prevent the same for the future, be it enacted by the authority aforesaid, That, from and after the said twenty-fourth day of June, one thousand seven hundred and eighty-six, if any maker of starch shall, whilst his starch is in operation and under water, mix or cause to be mixed any of the starch waters of one making with those of another making, every such starch-maker shall forfeit and lose the sum of one hundred pounds: provided nevertheless, that slimes which shall have been entered on the officers books as slimes, for the space of twenty-four hours, may be mixed in the presence of the officer for the duties on starch, and not otherwise.

The starch waters of different makers not to be mixed, on penalty of 100l;

but slimes may be mixed in presence of an officer.

XIX. And be it further enacted by the authority aforesaid, That when any starch-maker shall be desirous of removing his, her, or their starch, after the same shall be dried from the stove, every such starch-maker shall give to the officer for the said duties of the division or district where his, her, or their starch-house is situated, twelve hours notice in writing, if such starch-house is situated within the limits of the chief office of excise in London, or if such starch-house is situated in any other part of Great Britain, twenty-four hours notice in writing of the particular time and hour when he, she, or they intend to begin to remove his, her, or their starch, after the same shall be dried from the stove; and in case such starch-maker shall not begin to remove the starch from the stove, at the time and hour mentioned in such notice, or within one hour next after, then every such notice shall be void, and such starch-maker shall be obliged to give a fresh and like notice in writing before he, she, or they shall begin to remove his, her, or their starch, after the same shall be dried from the stove; and if any starch-maker shall begin to remove his, her, or their starch, after the same shall be dried from the stove, without giving such notice as aforesaid, he, she, or they so offending shall, for every such offence, forfeit and lose two hundred pounds.

Starch not to be removed from the stove, without giving notice, on penalty of 200l.

XX. And whereas by the said act made in the nineteenth year of his present Majesty's reign, (intituled, An act for the better securing the duties on starch), it is enacted, That no person or persons whatsoever, residing within the limits of the head office of excise in London, shall be permitted to make entry of any workhouse or place for the making of starch, as required by the statutes in that case already made and provided, unless such person or persons shall occupy a tenement or tenements of the yearly value of ten pounds or upwards, and for which he, she, or they shall accordingly be assessed in their own name, and shall also pay to the parish rates; and that no person or persons whatsoever residing in any other parts of the kingdom where there are rates to church and poor, shall be permitted to make any

Recital of act 19 Geo. 3. c. 40.

any fuch entry, unlefs fuch perfon or perfons fhall be affeffed and pay to church and poor in the feveral parifhes and places in which they refpectively refide: and whereas divers evil-minded and indigent perfons have made entries of workhoufes, or places for the making of ftarch, in places where there are not rates to church and poor, and fuch evil-minded and indigent perfons do frequently commit many grofs frauds againft the revenue; for remedy thereof, be it further

No entry to be allowed (in certain places) except to perfons affeffed to the duties granted by

act 6 Geo. 3. c. 38; and by

act 19 Geo. 3. c. 59.

Perfons making entries, are not qualified, liable to the penalties of making ftarch without entry.

enacted by the authority aforefaid, That, from and after the faid twenty-fourth day of June, one thousand feven hundred and eighty-fix, no perfon or perfons whatever refiding in any part of the kingdom out of the limits of the head office of excife in London, and in any places where there are not rates to church and poor, fhall be permitted to make entry of any work-houfe, or place for the making of ftarch, unlefs fuch perfon or perfons fhall be affeffed in his, her, or their own name, and pay in the feveral parifhes and places in which fuch work-houfe or place for the making of ftarch fhall be fituated, to the rates and duties on houfes, windows, and lights, granted by an act made in the fixth year of his prefent Majefty's reign, (intituled, *An act for repealing the feveral duties upon houfes, windows, and lights; and for granting to his Majefty other duties upon houfes, windows, and lights*); and unlefs fuch perfon or perfons fhall alfo be affeffed in his, her, or their own name, and pay in the feveral parifhes and places in which fuch workhoufe or place for the making of ftarch fhall be fituated, to the rates and duties upon inhabited houfes, granted by an act made in the nine teenth year of his prefent Majefty's reign, (intituled, *An act for repealing the duties on all inhabited houfes, impofed by an act made in the laft feflion of parliament, and for granting to his Majefty other duties upon all inhabited houfes in Great Britain, and for amending the faid act; and alfo for amending fo much of an act, made in the feventeenth year of the reign of his prefent Majefty, as impofes a duty upon all fervants retained or employed in the feveral capacities therein mentioned*), or by any other act or acts of parliament now in force; and that no entry of any workhoufe or place for making of ftarch, already made, or to be made, as required by the ftatutes in that cafe made and provided, in any place out of the limits of the head office of excife in London, and where there are not rates to church and poor, fhall be of any avail to any perfon or perfons not fo qualified, or for any longer time than the perfon or perfons fo making entry fhall be qualified as aforefaid; and every perfon making ftarch, not qualified as aforefaid, fhall, notwithstanding any entry by him, her, or them made, be deemed and taken to be perfons making ftarch without entry, and fhall be fubject to the like penalties and forfeitures as perfons making ftarch without entry are by the ftatutes in fuch cafe made and provided now fubject unto.

XXI. *And whereas great quantities of ftarch are ufed in the making of ftone blue, and fome evil-minded perfons, being makers of ftone blue, do in a private and clandestine manner make ftarch, or otherwife manufacture meal or flour for the purpofe of making ftone blue,*

and

and thereby evade the payment of the duties upon ftarch, to the great lofs of the revenue; and the injury of the fair trade; which mifchiefs might, in great meafure, be prevented, if the makers of ftone blue were obliged to make entries of the places ufed by them for making or for keeping ftone blue; or materials for making the fame, and if the officers of excife were authorifed to infpect fuch places; be it therefore further enacted by the authority aforefaid, That, on or before the twenty-fourth day of June, one thoufand feven hundred and eighty-fix, all and every perfon or perfons, who now is or are, or fhall then be a maker or makers of ftone blue for fale, fhall make a true entry in writing of his, her, or their names, and place or places of abode, together with all and every the workhoufe or workhoufes, and all and every other place or places whatever that fhall be made ufe of by fuch perfon or perfons for the making of ftone blue, or for keeping ftone blue, or materials for making ftone blue, at the chief office of excife in London, if fuch perfon or perfons now carry on, or fhall then carry on, the bufinefs of making ftone blue for fale within the limits of the faid chief office; or if fuch perfon or perfons now carry on, or fhall then carry on, the faid bufinefs in any other part of Great Britain, then at the office of excife next to the place where he, fhe, or they now carry on, or fhall then carry on, the faid bufinefs; and all and every perfon or perfons who, after the faid twenty-fourth day of June, one thoufand feven hundred and eighty-fix, fhall become a maker or makers of ftone blue for fale, fhall, before he, fhe, or they fhall begin to make or manufacture ftone blue, make a true entry in writing of his, her, or their refpective place or places of abode, together with all and every the workhoufe or workhoufes, and all and every other place or places whatever that fhall be made ufe of by fuch perfon or perfons for the making of, or for keeping ftone blue, or materials for making ftone blue, at the chief office of excife in London, if fuch perfon or perfons fhall carry on the faid bufinefs within the limits of the faid chief office, or if fuch perfon or perfons fhall carry on the faid bufinefs in any other part of Great Britain, then at the office of excife next to the place where fuch perfon or perfons fhall carry on the faid bufinefs, on pain of forfeiting and paying the fum of fifty pounds.

XXII. And be it further enacted by the authority aforefaid, That it fhall and may be lawful for any officer or officers of excife, or of the duties upon ftarch, at all times by day, at his or their request, to enter the houfe or houfes, workhoufe or workhoufes, and all and every other place or places whatever belonging to, or that fhall be made ufe of by any maker or makers of ftone blue for fale, for the making of ftone blue, or for keeping ftone blue, or materials for making ftone blue, and there to examine all and every parcel or parcels of ftone blue, and to take and carry away any fample or parcel of the fame, paying a reasonable price for the fame, according to the price that ftone blue fhall then commonly bear and be fold for.

Makers of ftone blue to make entries of their workhoufes, &c. on penalty of 50*l*.

Officers may examine ftone blue, and take famples thereof, paying for the fame.

XXIII. And

No stone blue to be made from materials that have not paid duty, on forfeiture thereof, and also wool.

XXIII. And be it further enacted by the authority aforesaid, That no maker or makers of stone blue for sale, shall begin to make or manufacture, or cause or procure to be begun to be made or manufactured, any stone blue from any flour, meal, or other ingredients, or materials whatsoever, (other than the materials or ingredients for colouring the same) except starch, for which all the duties due or payable in respect thereof have been first charged, on pain of forfeiting, for every such offence, all such stone blue, flour, meal, and other ingredients and materials whatsoever (other than the materials or ingredients for colouring such stone blue), together with the boxes, tubs, and vessels whatsoever containing the same, and also the sum of one hundred pounds.

Unstamped starch in possession of stone blue makers, &c. to be forfeited, and the owner fined 10s. per pound weight.

XXIV. And be it further enacted by the authority aforesaid, That if, after the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, any such maker of stone blue for sale, or maker of hair powder for sale, shall receive into his, her, or their possession, any starch in papers not stamped as aforesaid, or any loose starch, or any scrapings of starch, he, she, or they so offending, shall, for every such offence, forfeit the sum of ten shillings for every pound weight of starch so received in papers not stamped as aforesaid, or of such loose starch or scrapings of starch; and all such starch in papers not stamped as aforesaid, or loose starch, or scrapings of starch, that shall be so received, or brought into the possession of such maker of stone blue, or maker of hair powder, shall be forfeited, and may be seized by any officer of excise, or of the said duties, any thing herein contained to the contrary in anywise notwithstanding; and if any such maker of stone blue, or maker of hair powder, shall keep any starch above the quantity of twenty-eight pounds in any unentered place, the same shall be forfeited, and such maker of stone blue, or maker of hair powder, shall also forfeit the sum of fifty pounds.

and if more than 28lb. be found in an unentered place, to be forfeited, and a fine of 50l.

Persons refusing officers samples of stone blue, paying for the same, forfeit 50l.

XXV. And be it further enacted by the authority aforesaid, That if any maker of stone blue for sale, upon request or demand made by any such officer or officers, as aforesaid, in the day-time, shall refuse to permit, or shall not permit such officer or officers, to enter and go into all and every the workhouse or workhouses, or all and every other place or places whatever belonging to, or that shall be made use of by him, her, or them, for the making of stone blue, or for the keeping stone blue, or any materials for making stone blue, or shall not permit such officer or officers to examine, and to take and carry away with him or them any parcel or sample of stone blue, upon his or their offering to pay for the same the price that stone blue shall then commonly bear and be sold for; every such maker of stone blue shall, for every such offence, forfeit and pay the sum of fifty pounds.

Persons molesting officers in the execu-

XXVI. And be it further enacted by the authority aforesaid, That if any person whatever shall assault, oppose, molest, or hinder any officer or officers of excise, or for the duties on starch,

in the due execution of any of the powers and authorities given and granted by this act, all and every the party or parties so offending shall, for every such offence respectively, forfeit and lose the sum of fifty pounds. tion of their duty, forfeit 50l.

XXVII. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture, may be sued for, recovered, levied, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall discover, inform, or sue for the same. How penalties are to be recovered and appropriated.

XXVIII. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing by him, her, or them, done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county, and the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs. Limitation of actions. General issue. Treble costs.

C A P. LII.

An act for the more effectually preventing the fraudulent removal of tobacco, and for the ease of the fair trader; for discontinuing the discount upon payment on bonds before due, and establishing the duty to be paid upon tobacco of the growth of the British plantations, and the united states of America.

WHEREAS the several provisions for preventing the fraudulent removal of tobacco by land or water, contained in an act made in the twenty-fifth year of the reign of his present Majesty, (intituled, An act for the better securing the duties payable on tobacco), have commencement from the first day of January, one thousand seven hundred and eighty-six; notwithstanding which provisions, such tobacco as was imported before that time hath been or may be removed by land or water, otherwise than as by the said act is directed, inasmuch as the same having been imported before that time cannot be subject to the regulations prescribed by the said act: and whereas the continuance of this liberty may encourage the importers or possessors of uncustomed tobacco to pretend that the same was imported before the said first day of January, one thousand seven hundred and eighty- Preamble. Recital of 25 Geo. 3. c. 35.

eighty-six, and, under that pretence, tobacco imported since that time, and tobacco stalks stripped, and snuff manufactured therefrom, may be removed otherwise than by the said act is directed, to the great prejudice both of the publick revenue and of the fair trader: and whereas it is expedient that all such tobacco as shall have been lawfully imported, and was stock in hand before that time, should be subject and liable to all and every the several and respective rules, regulations, and restrictions, directed and contained in the said herein-before recited act; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of June, one thousand seven hundred and eighty-six, no tobacco which shall have been imported into Great Britain before the said first day of January, one thousand seven hundred and eighty-six, nor any tobacco stalks stripped, nor snuff manufactured from tobacco so imported, shall be removed, carried, or conveyed, either by land or by water, in any other manner than as is directed by the said recited act; and the same shall, in every respect, be under and subject to the several rules, regulations, oaths, and restrictions directed and contained in the said act; and that all and each and every the fines, penalties, and forfeitures, inflicted and incurred by the said recited act, on the removal of tobacco imported since the said first day of January, one thousand seven hundred and eighty-six, or tobacco stalks stripped, or snuff manufactured from tobacco so imported, contrary to the said recited act, and the several rewards and distributions therein directed, shall extend, and be construed to extend, to all intents and purposes, to the removal of tobacco which shall have been imported into this kingdom, previous to the said first day of January, one thousand seven hundred and eighty-six, and to tobacco stalks stripped, and snuff manufactured from tobacco so imported.

II. *And whereas, in and by the said recited act, it is provided, That if any importer or proprietor of tobacco, who hath given security for the payment of the duties in eighteen months, shall be desirous to discharge his bond or bonds, or any part thereof, in ready money, sooner than the expiration of the said eighteen months, so much shall be abated upon such bond or bonds as the discount, at the rate of seven pounds per centum per annum, shall amount to, in proportion to the time unexpired: and whereas it is expedient that the said discount should be discontinued: be it therefore enacted by the authority aforesaid, That so much of the said recited act as provides, that if any importer or proprietor of tobacco, that hath given security as aforesaid, for the payment of the duties in eighteen months, shall be desirous to discharge his bond or bonds, or any part thereof, in ready money, sooner than the expiration of the said eighteen months, he shall be abated upon such bond or bonds so much as the discount, at the rate of seven pounds per centum per annum, shall amount to, in proportion to the time unexpired, shall be, and is hereby repealed.*

III. *And*

From June 24, 1786, all tobacco, &c. though imported prior to Jan. 1, 1786, liable to the regulations of the recited act.

No discount to be allowed on discharge of security bonds.

III. *And whereas tobacco of the growth of the British colonies or plantations in America, or of the growth of the united ſtates of America, imported previous to the firſt day of January, one thouſand ſeven hundred and eighty-fix, is ſubject to the payment of the duty of fifteen pence, and two hundred and thirty-nine two hundred and fortieth parts of a penny, per pound weight, in caſe the duties are not paid down in ready money at the time of the entry of ſuch tobacco, but the ſame are ſecured by bond, and the importers thereof are intitled to a diſcount after the rate of ſeven pounds per centum per annum, on the amount of certain of the ſaid duties for the time unexpired in the bonds given for payment thereof: and whereas it would be a great hardſhip upon the importers of ſuch tobacco, if they were to pay ſuch duties; be it therefore further enacted, That no tobacco imported previous to the firſt day of January, one thouſand ſeven hundred and eighty-fix, and for which bond ſhall have been given for ſecuring the duties payable thereupon, and which is now remaining unfold in the warehouse under the King's locks, ſhall be ſubject or liable to pay more than the duty of one ſhilling and two-pence, and ſeventy-nine eightieth parts of a penny, for every pound weight of the ſame, according to the weights of ſuch tobacco, taken by the proper officers of the cuſtoms on landing of the ſame at the importation thereof.*

American tobacco imported prior to Jan. 1, 1786, remaining in the King's warehouse, to pay 1s. 2d. and 79-80ths of 1d. per lb. duty.

IV. *Provided always, That the importer or importers of ſuch tobacco, upon paying up the ſaid duty of one ſhilling and two-pence, and ſeventy-nine eightieth parts of a penny, per pound weight, ſhall not be intitled to any diſcount whatſoever.*

No diſcount to be allowed on payment of the ſaid duty.

V. *Provided alſo, That nothing herein contained ſhall extend, or be conſtrued to extend, to alter in any reſpect the manner of appropriating the duties upon ſuch tobacco; and that the preſent duties of one ſhilling and two-pence, and ſeventy-nine eightieth parts of a penny, per pound weight, ſhall be appropriated in the ſame manner, and to the ſame branches to which ſuch duties were applicable before the making of this act.*

Duties to be appropriated as heretofore.

VI. *And whereas tobacco, after having undergone certain kinds of manuſacture, becomes known by the reſpective names of Carrot or Roll, Pigtail or Twiſted Tobacco, and, from the nature of the manuſacture, neceſſarily imbibes and retains a quantity of water or other ingredients, whereby the weight becomes conſiderably increaſed, and the revenue materially injured; be it enacted by the authority aforeſaid, That if, upon the examination by the proper officer or officers of the cuſtoms, any carrot or roll tobacco, entered for exportation, ſhall be found to contain of water, or any ingredients other than tobacco, more than twelve pounds for every one hundred pounds weight; or if any pigtail or twiſted tobacco, entered as aforeſaid, ſhall be found to contain of water, or any ingredients other than tobacco, more than ten pounds for every one hundred pounds weight, all ſuch tobacco ſhall be forfeited.*

Roll tobacco for exportation, containing any mixture of more than 12lb. and twiſted tobacco more than 10lb. per cwt. to be forfeited.

VII. *And whereas there is a ſpecies of manuſactured tobacco,*

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known by the name of Cut Tobacco, which ought not to contain a greater weight of stalk in proportion to the leaf than that of one pound of stalk to four pounds of leaf, which, in the natural state of tobacco, before it is so manufactured, is the usual proportion, be it therefore enacted by the authority aforesaid, That if, upon the examination by the proper officer or officers of the customs, any cut tobacco entered for exportation shall be found to contain of stalk more than the said proportion, all such cut tobacco shall be forfeited.

Cut tobacco for exportation, containing more than 1-5th part stalk, forfeited.

How disputes relative to the mixture of tobacco, &c. are to be determined.

VIII. And be it further enacted by the authority aforesaid, That if any carrot or roll tobacco, or pigtail or twisted tobacco, shall be seized as containing more than the due proportion of water, or any ingredients other than tobacco, or if any cut tobacco shall be seized as containing more than the due proportion of stalk, and the proprietor or proprietors of such tobacco respectively, or his or their agent, shall deny that the carrot or roll tobacco, or the pigtail or twisted tobacco seized, do respectively contain more than the due proportion of water, or any ingredients other than tobacco, or that the cut tobacco does contain more than the due proportion of stalk, then, and in such case, the matter in dispute shall be referred to the determination of two indifferent persons, one of whom shall be named by the officer or officers who shall have seized the same, and the other by the said proprietor or proprietors, or his or their agent; and in case the two persons so nominated shall not agree, it shall and may be lawful for the said two persons to nominate a third person, who shall finally determine the matter in controversy: provided always, that such reference shall be made within the space of three days from the day of seizure; and that if at the end of the third day the referees, nominated as aforesaid, shall not have decided, it shall and may be lawful for the commissioners of the customs in *England*, or any four or more of them, or the commissioners of the customs in *Scotland*, or any three or more of them, respectively, or for the collector and comptroller, in any of the out-ports, as the case may be, to appoint an arbitrator, who shall finally determine the matter in dispute.

IX. *And whereas there is a difference at this time existing in the monies payable upon the importation of tobacco of the growth or production of his Majesty's colonies, plantations, islands, or territories in America, or of the growth or production of the united states of America; that is to say, Whether the duties are paid down in ready money, or whether they are secured by bond: and whereas it is expedient that such difference should be abolished, and that the monies to be paid in future shall, in all cases, be in amount the same as the duties which would be due and payable in case the importer or proprietor had not secured the same by bond, but had paid down the duties in ready money; be it therefore enacted by the authority aforesaid, That, from and after the twenty-fourth day of June, one thousand seven hundred and eighty-six, the monies to be paid upon the importation into Great Britain, of tobacco of the growth of his Majesty's colonies, plantations, islands, or territories in America,*

Tobacco from his Majesty's colonies in America, or the united states, liable to the same

or

or of the growth or production of the united states of *America*, whether the duties shall be paid down in ready money at the time of importation, or whether the same shall be secured by bond, as is now by law allowed, shall and are hereby directed to be the same which are now due and payable in the case of an importer or proprietor of tobacco paying the duties down in ready money at the time of the importation thereof, and not securing the same by bond; any law, custom, or usage to the contrary notwithstanding.

X. And be it further enacted by the authority aforesaid, That no discount shall be paid or allowed, nor any allowance whatever shall be made to any person or persons whatever, upon payment of any sum or sums of money in discharge of any bond or bonds already given or entered into in pursuance of the said herein-before recited act, or any other act or acts of parliament now in force, or which shall be hereafter given or entered into, in pursuance of the said herein-before recited act, before the said twenty-fourth day of *June*, one thousand seven hundred and eighty-six, unless the person or persons so paying the same shall, within twenty days after he or they shall have so paid the same, take the tobacco for which he or they shall have so paid such sum or sums of money out of the warehouse or warehouses belonging to his Majesty, wherein such tobacco shall have been lodged or deposited.

No discount to be allowed on bonds, entered into under recited act, unless, in 20 days after discharge, the tobacco is removed.

C A P. LIII.

An act to continue several laws relating to the giving further encouragement to the importation of naval stores from the British colonies in America; to the allowance upon the exportation of British made gunpowder; to the further encouraging the manufacture of British sail cloth; and to the duties payable on foreign sail cloth; to the granting liberty to carry sugars of the growth, produce, or manufacture of any of his Majesty's sugar colonies, directly to foreign parts, in ships built in Great Britain, and navigated according to law; to the importing salt from Europe into the province of Quebec in America; to the discontinuing the duties payable upon the importation of tallow, hogs lard, and grease; to the permitting the free importation of raw goat skins into this kingdom; to the repealing the duties upon pot and pearl ashes, wood and weed ashes, imported into Great Britain; and for granting other duties in lieu thereof; to the registering the prices at which corn is sold in the several counties of Great Britain, and the quantity exported and imported; and to the effectually encouraging the manufactures of flax and cotton in Great Britain; and to revive and continue several laws relating to the allowing a drawback of the duties on rum, shipped as stores, to be consumed on board merchant ships on their voyages; and to the granting a bounty upon the importation of hemp and rough and undressed flax from his Majesty's colonies in America.

So much of 8 Geo. 3. c. 12. as relates to the importation of wood, timber, and lumber, from America, further continued until Sept. 29, 1792, etc. Act 4 Geo. 2. c. 29. as to gunpowder, further continued until Sept. 29, 1792. Act 9 Geo. 2. c. 37. as to sail cloth, further continued until Sept. 29, 1792. Act 12 Geo. 2. c. 30. as to sugar, further continued until Sept. 29, 1792. Act 4 Geo. 3. c. 19. further continued until June 24, 1790. Act 7 Geo. 3. c. 12. as to tallow, etc. further continued until March 25, 1788. Act 15 Geo. 3. c. 35. as to goat skins, further

continued until June 20, 1790. Act 20 Geo. 3. c. 25. as to pot and pearl ashes, further continued until May 31, 1789. Act 10 Geo. 3. c. 39. as to corn, further continued for seven years from its expiration. Act 23 Geo. 3. c. 77. as to flax and cotton manufactured in Great Britain, further continued for two years. So much of act 19 Geo. 3. c. 22. as relates to a drawback on rums fhip't as ftores for merchant fhips, revived, and further continued until April 1, 1788. Act. 4 Geo. 3. c. 26. as to hemp and flax imported, revived, and further continued until June 24, 1806.

C A P. LIV.

An act for continuing the falaries and profits of the commissioners, clerks, and other officers of the ftamp office rateable to the land tax, in Shire Lane Ward, within the divifion of Saint Clement Danes and Saint Mary le Strand, in the liberty of Weftminfter, notwithstanding the faid office fould be removed into any other divifion or place.

Act of prefent feffion, c. 3. recited. Commissioners, clerks, and other officers of the ftamp duties to be affeffed on the faid act to the land tax for their falaries, and other profits of their places in Shire Lane Ward, though the office be removed, fo that the proportion affeffed in St. Clement Danes and St. Mary le Strand in 1785, be again affeffed thereon, and fo as any other divifion to which the faid office may be removed, be not charged with a greater proportion, in refpect of the faid falaries and profits, than it was in 1785. Out of fuch affeffment one fourth part to be paid to the collectors of the diftrict to which the office fhall be removed, and alfo the whole of the land tax for all additional commissioners, clerks, and other additional officers of the faid duties, created fince Dec. 25, 1785, or which may hereafter be created, to be applied in aid of the affeffment laid on fuch divifion, &c. To be a publick act.

C A P. LV.

An act to enable the juftices of the peace for the county of Middlefex to raife money, in manner therein mentioned, for erecting a houfe of correction within the faid county.

Juftices may raife money for purchafing ground, and erecting a proper and commodious houfe of correction thereon, with neceffary conveniencies, by granting annuities for lives, with or without benefit of furvivorship, out of the county rates. Annuities charged upon the county rates. Grants may be transferred. The money received for the purchafe of annuities, to be applied in paying for ground, and erecting buildings thereon, for the purpofe aforefaid; and fitting up and furnifhing the fame, and the overplus to be applied in payment of the faid annuities. The juftices to lay a fufficient rate for the purpofes of the county, and alfo for paying the annuities. Juftices to appoint a treafurer, and to take fecurity from him. Accounts to be kept of the receipts, and difburfements. The juftices may fell, let out, or otherwife difpofe of all or any part of the quakers' ground (adjoining to the prefent houfe of correction) and alfo the prefent houfe of correction, and the fcite thereof, and the premisses belonging thereto, and alfo of any ground purchafed for the fame, which fhall not be ufed for the fame, or for the yards, outlets, and airing places belonging thereto. Saving to the juftices the powers given by any former acts. To be a publick act.

C A P. LVI.

An act for obliging overfeers of the poor to make returns, upon oath, to certain queftions fpecified therein, relative to the ftate of the poor.

Preamble.

WHEREAS the great and increafing expences of maintaining and providing for the poor, within that part of Great Britain

tain called England, and the continual distresses of the poor notwithstanding, make it highly expedient for the legislature to take that subject into their most serious consideration: and whereas information of the state of the poor, and the nature of those expences, may be necessary to be procured, in order to enable parliament to judge of proper remedies to redress those grievances; but it is apprehended such information cannot be effectually obtained without the aid and authority of parliament; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That a sufficient number of printed copies of this act, and also of the schedule hereunto annexed, shall, as soon as conveniently may be after the passing hereof, be transmitted by *George White* esquire, one of the clerks of the house of commons, to the clerks of the peace of the several and respective counties, ridings, divisions, precincts, fokes, franchises, liberties, cities, and towns corporate, in *England* and *Wales*; and that the said several clerks of the peace shall, and they are hereby required, with all convenient speed, to cause the said act to be distributed among the acting justices of the peace within their respective limits, and also to cause a sufficient number of the schedule to this act annexed to be delivered to the high constable, or other proper officer who hath the execution of precepts from justices of the peace, within their respective limits, at the *Midsummer* quarter sessions of the peace, in the year one thousand seven hundred and eighty-six, or as soon after as conveniently may be, and also to the town clerks, or other proper officers, of every city, borough, town corporate, or place, in which quarter sessions of the peace are usually holden, situate in the county, riding, division, city, liberty, foke, franchise, town corporate, or place, for which the said clerks of the peace, or town clerks, shall respectively act; and the said clerks of the peace shall also receive the answers and returns made by the overseers of the poor, pursuant to the directions herein-after given, and transmit the same to the clerk of the parliaments with all convenient speed, in order that the same may be inspected by parliament, upon pain of forfeiting, for every neglect and default, a sum not exceeding ten pounds, nor less than five pounds, at the discretion of the justice or justices before whom complaint thereof shall be made.

Printed copies of this act to be transmitted to the clerks of the peace to be distributed amongst the justices, etc.

Returns made by the overseers to be transmitted to the clerk of the parliaments.

II. And be it further enacted, That the several justices of the peace, within their respective jurisdictions in *England* and *Wales*, shall, as soon as conveniently may be after the said *Midsummer* quarter session in the year one thousand seven hundred and eighty-six appoint a time and place, or times and places, which time or times shall be on or before the twentieth day of *October*, one thousand seven hundred and eighty-six, for the overseers of the poor of the several parishes, and also of the several townships and places which maintain their poor separately and distinctly from the parish at large within their respective jurisdictions,

Justices to appoint a meeting of overseers, between the *Midsummer* session and Oct. 20, 1786, to give in returns, etc.

diftions, to attend them at fuch meeting or meetings for the purpofes of this act, with returns and answers to the queftions ftated in the fchedule to this act annexed; and two or more of the faid juftices fhall, and they are hereby required to caufe notice thereof to be given to fuch overfeers refpectively, and alfo to the high conftables, and, where there are no high conftables, to fuch other proper officers who have the execution of precepts from juftices of the peace to inferior officers, within fuch refpective jurifdictions, requiring their attendance at fuch meetings for the purpofes of this act.

Juftices, at the meeting, to receive the returns, etc. and adminifter an oath to the overfeers, etc.

III. And be it further enacted, That the faid juftices of the peace fhall and they are hereby authorized and required, at fuch meeting or meetings fo to be appointed by them as aforefaid, to receive and take the answers and returns to be made by the overfeers of the poor, purfuant to the direftions aforefaid, and then and there adminifter to them refpectively the oath contained in the faid fchedule; and fuch juftices, if they fee caufe, may examine fuch overfeers upon oath, touching any of the matters contained in fuch queftions and answers, and call for the accounts of the overfeers of the poor for each of the three preceding years, if they fhall fee fit, in order to explain and verify the faid accounts as fhall be then made; and the faid juftices fhall then deliver fuch answers and returns to the refpective high conftables or other proper officers as aforefaid, in order that the fame may be by them transmitted to the clerks of the peace or town clerks, as herein is direfted.

Duty of the high conftable prefcribed.

IV. And be it further enacted, That the faid high conftables, or other proper officers within the refpective jurifdictions aforefaid, fhall, at the *Midfummer* quarter feflions, in the year one thoufand feven hundred and eighty-fix, purfuant to the direftions aforefaid, receive from the faid clerks of the peace or town clerks the faid printed fchedules, and deliver, or caufe to be delivered, one fuch fchedule to one of the overfeers of the poor of every parifh, township, or place, as well within towns corporate as without, within their refpective limits, and, when required by the refpective juftices of the peace as aforefaid, attend the faid refpective meetings, and then and there receive the feveral answers and returns made by the overfeers of the poor, and indorfe upon the back of each of them the name of the hundred, rape, wapentake, lathe, precinct, foke, franchise, liberty, city, or town corporate, wherein the faid parifh, township, or place, therein mentioned, is fuate, and tranfmit the fame, together with a true and perfect lift of the names of the overfeers of the poor of every parifh, township, and place, to whom fuch fchedule had been delivered as aforefaid, to the feveral clerks of the peace and town clerks, at the then next *Michaelmas* quarter feflions of the peace; or adjournment thereof, (which adjournment the juftices at fuch quarter feflions are required to make to fome convenient day, within feven days after the faid twentieth day of *October*, in cafes where fuch returns fhall not be made at the *Michaelmas* quarter feflions); upon pain of forfeiture, for every default

Penalty for neglect.

default and neglect in the matters aforesaid, a sum not exceeding ten pounds, nor less than five pounds, at the discretion of the justice or justices of the peace before whom complaint thereof shall be made.

V. And be it further enacted, That the overseers of the poor of every such parish, township, and place, shall, and are hereby required to attend the justices of the peace at such meeting or meetings, and then and there deliver to the said justices, signed by them, a just and true answer and return to the said questions, upon oath, as before directed, and at the same time produce to the said justices the assessments under which the money was collected, and the accounts of all the expences respecting the poor for each of the years for which such returns are to be made, for their inspection and examination; and that every overseer, making default in any of the matters hereby required, shall, for every such neglect and default, forfeit a sum not exceeding ten pounds, nor less than five pounds, at the discretion of the justice or justices, before whom complaint thereof shall be made: and, in order to enable the said overseers to make answers and returns as aforesaid, they are hereby authorized and empowered to call for, inspect, and take copies of the accounts of the overseers, for each of the said years, or so much thereof as shall be necessary, in whose hands soever they shall happen to be; and every person or persons, in whose custody or power every such account or accounts shall be, shall, and are hereby required to produce and deliver such respective accounts to the said overseers, for the purposes aforesaid, upon pain of forfeiting, for every default or neglect in the premises, a sum not exceeding ten pounds, or less than five pounds, at the discretion of the justice or justices before whom complaint thereof shall be made.

Overseers to deliver in writing, on oath, a return to the justices, etc.

Penalty on neglect.

Overseers to take copies of the accounts of preceding overseers.

Penalty on refusing to deliver such accounts.

Persons making false returns, to forfeit sol.

VI. And be it further enacted, That if any overseer, or person required to make any such return or returns as aforesaid, shall conceal any matter or matters, directed to be enquired into by the said schedule, or shall knowingly or wilfully make a false or imperfect return, every such overseer, or person so offending, shall, for every such offence, forfeit the sum of fifty pounds, to be recovered by bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, in the counties palatine of *Lancaster*, *Chester*, and *Durham*, or the great sessions in the principality of *Wales*.

Fees to be allowed for each return; viz.

VII. And be it further enacted, That there shall be paid and allowed, for the trouble and expences of the several persons employed in the transactions aforesaid, for every return which shall be so made and transmitted to the clerks of the peace and town clerks respectively, pursuant to the directions aforesaid, the sums following, and no more; *videlicet*:

To the clerk of the peace, or town clerk, for the return which shall be made from every parish, township, and place, the sum of one shilling:

To the clerk of the peace, 1s.

High constable, 1s. 6d.

To the high constable, or other proper officer, for the like, the sum of one shilling and sixpence :

Overseers, 2s.

To the overseers of the poor, for the like, the sum of two shillings :

Justices clerks, 1s.

To the clerks of the justices of the peace, for the like, the sum of one shilling :

And that the said justices of the peace, at their respective quarter sessions which shall be held next after *Michaelmas*, one thousand seven hundred and eighty-six, shall, and are hereby required to make an order upon their respective treasurers, to pay the same out of the rates to be made and collected for the respective counties, ridings, divisions, precincts, fokes, franchises, liberties, cities, and towns corporate.

Penalties how to be recovered and applied.

VIII. And be it further enacted, That the several forfeitures and penalties inflicted by this act shall, unless otherwise directed by this act, if not immediately paid, be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of any justice of the peace having jurisdiction where such offender shall dwell, rendering to the said offender the overplus (if any) after the charge of such distress and sale shall be deducted; and in case sufficient distress shall not be found, then it shall be lawful for such justice to commit such offender to the common gaol, there to remain, without bail, or mainprize, for a term not exceeding twelve calendar months, unless the said forfeiture and charges shall be sooner paid; and the said forfeitures, when recovered, shall be paid and applied, one moiety to the informer, and the other moiety to the said respective treasurers, in aid of the rates aforesaid; and any person shall be deemed a competent witness, for the execution of any of the purposes of this act, notwithstanding his paying, or being liable to pay, to such county rates.

Persons making false oaths liable to the penalties of corrupt perjury.

IX. And be it further enacted by the authority aforesaid, That in case any person or persons shall wilfully and corruptly make a false oath touching any of the matters contained in this act, every such person so offending, and being thereof duly convicted, shall be, and is hereby declared to be, subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable to.

S C H E D U L E.

Questions, to which, by direction of an act, passed in the twenty-sixth year of the reign of his majesty King *George* the Third, (intituled, *An act for obliging the overseers of the poor, in the severall parishes or places within that part of Great Britain called England, to make returns, upon oath, to certain questions specified therein, relative to the state of the poor,*) answers are to be returned by the overseers of the poor of every parish, township, and place, in writing upon oath, and signed by them; for which purpose the said overseers are to attend the justices of the peace within their respective jurisdictions, at such times and places as they shall appoint, on pain of forfeiting, for every default or neglect, a sum not exceeding ten pounds, nor less than five pounds.

Question 1st. What money was raised by assessments, for the relief of the poor, in the respective years ending at *Easter* 1783, 1784, and 1785?

2d. What number of poor received constant, and what number occasional relief, during each of the said three years, as near as you can ascertain the same?

3d. How much was paid out of the said money, in each of the said three years, for expences of overseers in journies and attendances on magistrates and others; and how much for entertainments at meetings of the inhabitants, on affairs relative to the poor?

4th. What payments were made out of the said money for law business, and for orders, examinations, certificates, and other proceedings respecting the poor, in each of the said three years?

5th. How much of the money collected under these assessments was applied for the payment of county rates, or any other, and what, purposes, that did not concern the poor?

6th. How much of the money so raised has been expended in providing materials and utensils for setting the poor to work?

ANSWERS

ANSWERS to the Questions contained in the Schedule annexed to the Act (intituled, *An Act for obliging Overseers of the Poor to make Returns, upon Oath, to certain Questions specified therein, relative to the State of the Poor*), returned by the Overseers of the Poor of the Parish [Set. as the Case shall be] of

in the County [Set. as the Case shall be]

Answers.	To 1st Question.			To 2d Question.		To 3d Question.			To 4th Question.			To 5th Question.			To 6th Question.			Remarks upon the 4d Part of the 5th Question.
	Money raised by Allevment.	No. Poor who received constant Relief.	No. Poor who received occasional Relief.	Experiences of Overseers in Journeymen and Apprentices on the Magistrates.	Experiences of Entertainments at Meetings of the Inhabitants.	Experiences in Law, Bribes, Orders, Examinations, Certificates, and other Proceedings respecting the Poor.	Amount of Money applied for County Rates.	Expended for other Purposes which did not concern the Poor.	Expended in providing Materials and Utensils for setting the Poor to Work.									
1783.	£. s. d.	No.	No.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.							
1784.	£. s. d.	No.	No.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.							
1785.	£. s. d.	No.	No.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.							

Here the Person making the Return must subscribe his Name.

Form of the Oath referred to by this Act.

YOU shall swear, That the answer and return now made by you to the severall questions contained in the schedule hereunto annexed, is a full and true answer to the said questions, to the best of your knowledge, information, and belief.

C A P. LVII.

An act for the further regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing so much of an act, made in the twenty-fourth year of the reign of his present Majesty, (intituled, An act for the better regulation and management of the affairs of the East India company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies), as requires the servants of the East India company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of deeds and writings executed in Great Britain or India.

WHEREAS, by an act, made in the twenty-fourth year of his Majesty's reign, intituled, An act for the better regulation and management of the affairs of the East India company, and of the British possessions in India; and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies, divers provisions were made and enacted for the more effectually prosecuting and bringing to speedy and condign punishment the crime of extortion, and other misdemeanors, committed in the East Indies by British subjects, in the service of his Majesty, or of the said company; and particularly for constituting a special court of judicature for the trial of any information, to be exhibited in his Majesty's court of king's bench, against such offenders, under and by virtue of a commission, to be awarded under the great seal of Great Britain, directed to four members of the house of peers, six members of the house of commons, and three of the judges of his Majesty's courts of law at Westminster, such members and judges to be selected and chosen in the manner prescribed by the said act; and the said special commissioners, to be so constituted by such commission, or any seven or more of them, (of whom one of the said three judges was to be one), were, by the said act, invested with full power and authority to hear and determine every such information, and to pronounce judgement thereon, according to the effect of the judgement at common law, upon convictions had and obtained according to the course of the common law, for extortion or other misdemeanor: and whereas the selection of the members of the said respective houses of parliament, for the purposes aforesaid, may be rendered more easy and convenient: and whereas it is judged expedient, that, instead of seven, not less than ten commissioners to be constituted

Preamble.
Recital of act
24 Geo. 3.
c. 25.

constituted by such commission as aforesaid, should have authority to bear and determine any such information, and, for that purpose, that a greater number of members of each house of parliament, than is directed by the said act, should, together with the said three judges, be named and authorised as commissioners in and by such commission: and whereas it is also expedient, that, for giving greater vigour and efficacy to the proceedings and judgements of the said special commissioners, further regulations should be provided and established: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the members of the house of lords, by the said act directed to be named by the said house for the purposes aforesaid, shall be chosen, nominated, and appointed in the manner following, and no otherwise, any thing in the said recited act contained to the contrary notwithstanding; (that is to say), That, within the first thirty sitting days of the house of lords in every future session of parliament, the members of the said house, or any of them, may respectively deliver in at the table, lists inclosed in covers, sealed up, and having the words *East India Judicature*, and their respective names or titles of honour, by which they are generally known and distinguished, indorsed on the outside thereof, in their respective proper hand writing; every such list containing the names or titles of twenty-six peers; and that, on the first sitting day after the expiration of the said thirty days, the clerk of the parliaments, or his deputy or assistant, or such other person as the said house shall direct, shall prepare and lay upon the table of the said house a list of the names or titles of the lords who shall, within the said thirty days, have delivered such lists; and that, on the next sitting day of the said house, the said covers shall be opened by the clerk of the parliaments, or his deputy or assistant, or such other person as the said house shall direct, by the order of the speaker of the said house, during the sitting of the said house, and all the lists which shall be so delivered shall be taken out of the said covers and put into a box; and the said lists shall be referred by the said house to a committee, who shall examine the same, and within such time as the said house shall direct, report to the house the name or title of every lord whose name or title shall appear in ten or more of such lists; and if the names or titles of the respective members so returned shall not amount to twenty-six members at the least, exclusively of such of the members so returned as shall be struck out of the said lists according to the directions of this act, the members of the said house, or any of them, may, on any of the next seven sitting days of the said house, deliver in fresh lists in covers sealed up, and indorsed in the manner herein-before directed, each of such lists containing a number of names or titles of members of the said house, equal to that number by which the list returned by the committee shall, exclusively of the members struck out as aforesaid,

Within the first 30 sitting days of every session, lists of 26 names to be delivered in sealed up, by the members of the upper house, from which shall be selected 26 peers;

faid, fall fhort of twenty-fix; and the faid covers fhall be opened, and the lifts difpofed of, referred, and proceeded upon after the end of the faid feven days, in the manner herein-before directed in refpect to the faid former lifts.

II. And be it further enacted by the authority aforefaid, That the members of the houfe of commons, to be named by that houfe for the purpofes aforefaid, fhall be chofen, nominated, and appointed in the manner following, and no otherwife, any thing in the faid recited act contained to the contrary notwithstanding; (that is to fay), That within the firft thirty fitting days of the faid houfe in every future feffion of parliament, the members of the faid houfe, or any of them, may refpectively deliver in at the table lifts, inclofed in covers, fealed up, and having the words *East India Judicature*, and their refpective names, indorfed on the outside thereof, in their refpective proper hand writing, each of which lifts fhall contain the names of forty members of the faid houfe; and that, on the firft fitting day after the expiration of the faid thirty days, the clerk of the faid houfe, or his deputy or affiftant, or fuch other perfon as the houfe fhall direct, fhall prepare, and lay upon the table, the names of all the members who fhall have delivered fuch lifts; and that on the next fitting day of the faid houfe, the clerk of the faid houfe, or any or either of fuch other perfons as aforefaid, fhall, at the table, during the fitting of the faid houfe, by the order of the fpeaker, take the lifts out of the faid covers, and put the faid lifts together into a box; and the faid lifts fhall be immediately referred, by the faid houfe, to a committee, who fhall examine the fame, and within fuch time as the houfe fhall direct, report to the houfe the name of every member whose name fhall appear in twenty or more of the faid lifts; and if the names fo returned fhall not amount to forty at the leaft, exclu- fively of fuch of the faid members therein named as fhall be ftruck out of the faid lifts according to the directions of this act, the members of the faid houfe, or any of them, may, on any of the next feven fitting days of the faid houfe, deliver in at the table of the faid houfe frefh lifts, in covers, fealed up and indorfed in the manner herein-before directed, each lift containing a number of names of members of the faid houfe equal to that number by which the lift returned by the faid committee fhall, exclu- fively of fuch of the faid names as fhall be fo ftruck out, fall fhort of forty, and the faid lifts fhall be opened, difpofed of, referred, and proceeded upon, after the end of the faid feven days, in the manner herein-before directed in refpect to the faid former lifts: and the like order and courfe refpectively as afore- faid fhall be taken in each houfe of parliament, until the faid numbers of twenty-fix members of the houfe of lords, and forty members of the houfe of commons, fhall have been returned to the faid refpective houfes, by the committees to whom the faid lifts fhall be referred, exclu- fively of fuch of the members fo re- turned as fhall be ftruck out of the faid lifts according to the directions of this act.

and in the
fame period,
like lifts of
40 commons
to be delivered
in, from
which fhall be
fected 40
members.

III. Pro-

Persons holding offices under the crown, during pleasure, &c. to be struck out of the lifts.

III. Provided always, and be it enacted, That if any of the persons named in any of the lifts returned by the said respective committees, shall appear to hold any civil office of profit under the crown, during his Majesty's pleasure, or to be, or to have been, a commissioner for the affairs of *India*, or to be, or to have been, a director of the said company, or to hold, or to have held, any office or employment in the service of the said company in *India*, the names of all and every such persons shall be struck out of the said lifts, by the order of the said respective houses of parliament.

Mode of delivering in of lifts left to the houses of parliament, if that proposed be found inconvenient.

IV. Provided also, and be it further enacted, That if the delivery of the said lifts at the tables of the respective houses of parliament, in the manner directed by this act, shall occasion any interruption of other business, or be found inconvenient in any other respect, it shall be lawful for both or either of the said houses, by their order or orders, to substitute such other mode for the delivery of such lifts as the said houses shall respectively think fit, and that the said lifts shall, after the making of any such order or orders, be delivered according to the tenor and directions thereof respectively; any thing herein-before contained to the contrary notwithstanding.

The party accused may challenge 13 peers and 20 commoners contained in the lifts, as the names are drawing by lot in the presence of the judges, according to the recited act.

V. And be it further enacted, That the names of the twenty-six peers and forty members of the house of commons, which shall have been so chosen by the said respective houses of parliament, or the names of the twenty-six peers and forty members of the house of commons, which (in case the said lifts of both or either of the said houses shall happen to contain a greater number of members than as aforesaid, respectively) shall have been drawn by lot, according to the directions of the said former act, or of such of them as shall personally appear at the time and place appointed, in the manner by the said act directed, shall be put into a box, to be drawn by lot, in the presence of the judges, to be appointed according to the directions of the said recited act, and of the parties to the information to be tried, or their counsel or agents: and the person or persons against whom the said information shall have been exhibited, shall have the liberty, as the said names are drawn out, to make peremptory challenges, to the number of thirteen of the peers, and twenty of the members of the house of commons, whose names shall have been put into the said box; and his Majesty's attorney general, or other profecutor, as the case may happen, and also the party or parties against whom such information shall have been exhibited as aforesaid, shall respectively have power to make challenges to any of the names which shall be so drawn out, and to assign for cause of challenge any such matter as, in the opinion of the three judges, or the majority of them, shall appear, in their discretion, sufficient to set aside the person or persons so challenged, for the purpose of obtaining equal justice: and the first five names of the said peers, and likewise the first seven names of the said members of the house of commons, which being drawn out shall not be so challenged, or against whom

Profecutor may challenge the same number.

The first five peers, and the first seven

whom no challenge shall have been allowed, shall be returned by the said judges to the lord high chancellor, or lord keeper, or lords commissioners for the custody of the great seal of *Great Britain*, who shall cause the said five peers, and the said seven members of the house of commons, by their respective proper names or titles of honour, together with the names of the said three judges, to be inserted in the special commission to be issued by virtue of the said recited act, and of this present act; and the persons who shall be so named and authorised in and by the said commission, shall appear within ten days, at the time and place to be appointed by the said three judges, and shall then and there take the following oath, before the lord high chancellor, or lord keeper, or lords commissioners of the great seal of *Great Britain*, for the time being, or any one of them:

I A. B. do swear, That, as a commissioner appointed by his Majesty's commission for the trial of the information now at issue against C. D. I will diligently attend such trial, and that I will hear and determine the same to the best of my judgement, according to the evidence which shall be given.

Commissioners oath.

So help me GOD.

VI. And be it further enacted, That if, by reason of the challenges as aforesaid, the number of names so drawn out as aforesaid shall be reduced to less than five peers and seven members of the house of commons respectively, then, and in such case, the said three judges shall forthwith certify the same to the speakers of the respective houses of parliament, who shall lay the same before the said houses respectively; and the said houses shall respectively proceed, within any of the next seven days on which the said houses shall respectively sit for the dispatch of business, to choose, nominate, and appoint twenty-six members of the house of lords, and forty members of the house of commons, after the manner and course aforesaid, the lists of which said respective members, so chosen and appointed, shall be transmitted to the clerk of the crown in his Majesty's high court of chancery, or his deputy, and be inserted in a new commission, to be issued in the manner herein-before and in the said former act directed: provided always, That no day on which the house of commons shall have adjourned, for want of the presence of a sufficient number of members to execute the provisions of the several acts passed in the tenth and eleventh years of the reign of his present Majesty, to regulate the trials of controverted elections or returns of members to serve in parliament, shall be accounted one of the sitting days of the said house, for any of the purposes of this act.

If challenger reduce the number to less than five peers and seven commons. new lists to be made out.

VII. And be it further enacted, That the said special commissioners to be appointed as aforesaid shall have full power and authority to hear and determine every such information, and to pronounce judgement thereon according to the effect of the judgement of the common law, upon convictions had and obtained

Power of the commissioners.

tained according to the course of the common law, for extortion, or other misdemeanor, and also to declare the party so convicted incapable of serving the King's majesty, his heirs or successors, or the said united company, in any capacity whatever; and such judgement so pronounced by the said special commissioners as aforesaid, upon such information, shall be good and effectual, and shall be conclusive, to all intents and purposes; and no *Certiorari* shall be granted for removing the proceedings of the said special commissioners, on such information, into any court whatever; and the proceedings of the said special commissioners shall not be impeached, or the validity thereof questioned, in any action or suit, or other proceeding, in any court of law or equity.

Ten commissioners competent to act.

VIII. Provided always, and be it enacted, That all and every the powers and authorities given and granted by the said recited act, and by this present act, unto the said special commissioners, shall and may be executed by or before any ten or more of them (of whom one of the said three judges shall always be one); and that no act done or executed by or before the said commissioners, unless ten or more of the said commissioners (of whom one of the said three judges shall be one) shall be present at the doing or executing thereof (save and except in the particular cases herein-after specially provided) shall be valid or effectual; any thing in the said former act contained to the contrary notwithstanding.

Majority to determine, and the president to have a casting vote,

IX. Provided also, and be it further enacted, That whenever the said special commissioners shall not concur in opinion, upon any question or matter to be decided by or before them, every such question or matter shall be determined by the greater number of the said commissioners who shall be then present, so that the number of commissioners then present be not less than ten as aforesaid; and if the said commissioners shall at any time be equally divided in opinion, on any question or matter depending before them, the judge then sitting as president shall have two voices, or the casting vote.

If by death, or otherwise, the number should be reduced under ten, a new commission to be made out.

X. And be it further enacted, That if any of the said special commissioners shall depart this life, or be excused from attending in the manner by this act directed, before the said commission shall have been fully executed, so that there shall not be a sufficient number of commissioners to proceed in the due execution of such commission, according to the true intent and meaning of this act; or if all the said three judges shall happen to die, or be excused from attending in the manner by this act directed, whilst the said commission shall be depending; then, and in either of such cases, and from thenceforth, the said commission, and the force and effect thereof, shall cease, and a new commission shall be awarded for hearing the matter of such information, for which such former commission was issued, and the trial of such information shall begin *de novo*; save only and except with respect to the examinations or depositions of any witnesses (if any) which shall have been taken in writing under the

faid former commiffion, which examinations or depositions fhall and may be received and admitted as evidence under fuch new commiffion.

XI. And be it further enacted, That the faid fpecial commiffioners fhall feverally attend in court during the whole trial for which they fhall be appointed as aforefaid, and none of the faid commiffioners fhall in any wife abfent himfelf from the fame (except as hereafter is provided); and the faid court fhall at no time proceed in the faid trial until all the faid fpecial commiffioners, not having obtained fuch leave of abfence, or not having been excufed as herein-after is provided, fhall be met and afsembled; and if the faid fpecial commiffioners (except as aforefaid) fhall not all meet and afsemble within the fpace of one hour after the time to which they fhall have adjourned, fuch of them as fhall be then prefent, or the major part of them, fhall make an order for a further adjournment of the trial, in which order the caufe of fuch further adjournment fhall be expreffed, and a copy of fuch order, figned by the register to the faid commiffioners, fhall be ferved upon, or left at the ufual or laft place or places of abode of, the faid abfent commiffioner or commiffioners refpectively; and at fuch further adjourned meeting the caufe of his or their abfence fhall be inquired into by the fpecial commiffioners who fhall be then prefent, before the faid commiffioners fhall proceed to any other bufinefs; and if it fhall not be made appear, to the fatisfaction of the faid commiffioners, by facts fpecially ftated, and verified before them upon oath (or, in the cafe of fuch facts being verified by a peer of the realm, then upon his honour) that fuch abfent commiffioner or commiffioners was or were, by fudden accident, or by neceffity, prevented from attending at the faid former fitting, it fhall and may be lawful for the fpecial commiffioners then prefent, or the major part of them, to pafs fuch censure upon fuch commiffioner or commiffioners who fhall have been fo abfent, as they fhall think fit, and alfo to impofe upon fuch commiffioner or commiffioners refpectively, for fuch neglect of duty, or upon any commiffioner or commiffioners who fhall depart from the faid court during the fitting, and before an adjournment thereof, fuch fine or fines as the faid commiffioners, or the greater number of them then prefent, fhall think fit, fo that no fuch fine fhall exceed the fum of five hundred pounds; which fine or fines fhall be forthwith eftreated by one or more of the faid three judges, into the court of exchequer, and the like procefs fhall be awarded by the faid court of exchequer, for levying the faid fine or fines for his Majefty's ufe, as is ufually awarded for the levying of other fines eftreated into the faid court of exchequer; and the faid fpecial commiffioners fhall alfo have full power and authority to order or declare, that any commiffioner or commiffioners, who fhall be fo censured, or on whom any fuch fine or fines fhall be impofed, fhall be difabled from acting in the further execution of fuch commiffion.

Commiffioners to attend during the whole trial, unlefs abfent by leave.

If all do not meet, the majority prefent may adjourn.

Caufe of abfence to be enquired into.

Absentees may be censured or fined, and difabled from acting.

How fines are to be levied.

XII. Provided always, and be it further enacted, That it fhall

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Leave of abfence may be and

granted to
commission-
ers, who, how-
ever, are dif-
qualified.

and may be lawful for the said commissioners, or the greater number of them, to grant leave of absence to any of the said commissioners, upon proof, to their satisfaction, of sickness or other urgent occasion; and such of the said commissioners who shall obtain leave of absence as aforesaid, and shall accordingly be absent during any part of such trial, shall be no longer capable of acting under such commission; any thing contained in the said former act, or in this act, to the contrary notwithstanding.

During a trial
the com-
missioners not
to adjourn for
more than 24
hours, except
on occasions
herein speci-
fied.

XIII. Provided also, and be it further enacted, That after the trial of any information shall have commenced and been begun by and before the said special commissioners, the said commissioners shall sit every day, *Sunday, Christmas-day, and Good Friday*, only excepted; and the said commissioners shall never adjourn for a longer time than twenty four-hours, unless a *Sunday, Christmas-day, or Good Friday*, shall happen to intervene, in which case their adjournment shall not exceed twenty-four hours, exclusive of such *Sunday, Christmas-day, or Good Friday*: provided also, That if the number of the said special commissioners capable of acting in the execution of such commission, according to the directions of this act, shall, by death or otherwise, be reduced to ten, and any of such ten commissioners shall be prevented by sudden accident, or by necessity, from attending such trial, the said other commissioners, or the greater number of them, shall and may, at their discretion, adjourn and suspend the proceedings upon such trial, from time to time, as circumstances may require, so that any such adjournment shall not exceed three days, and the number of such successive adjournments shall not, in the whole, exceed ten adjournments; any thing herein-before contained to the contrary notwithstanding.

Commission-
ers may ap-
point clerks,
&c. who may
be removed,
&c.

XIV. And be it further enacted, That it shall and may be lawful to and for the said special commissioners to constitute and appoint such clerks, tipstaves, messengers, and other officers, to attend upon them in the execution of their said commission, and to do and perform all such matters and things as shall be ordered or given to them in charge by the said commissioners, as the said commissioners shall think fit; and such several clerks and other officers shall be diligently attendant upon, and subject and obedient to the said commissioners, and may be suspended, removed, or discharged, or be punished by fine or fines, to be imposed by the said commissioners, for any neglect of duty or disobedience, at the discretion of the said commissioners; which fines shall be estreated into his Majesty's court of exchequer, by one or more of the said three judges, and shall and may be levied and recovered, for his Majesty's use, by the process of the said court; and all and every of such clerks and other officers shall be paid, by the parties informant or informants, and defendant or defendants, named in such information, the same or the like fees and allowances as the respective officers attendant upon his Majesty's court of king's bench, upon trials of informations for misdemeanors prosecuted in the said court, are entitled to receive from the parties thereto, respectively, according to the stations and

How clerks,
&c. are to be
paid.

and duties of fuch officers refpectively.

XV. And be it further enacted, That whenever an information fhall be exhibited in the faid court of king's bench, againft any perfon or perfons, for the crime of extortion, or other mifdemeanor, committed in the *East Indies*, in every fuch cafe, upon a certificate from the coroner and attorney of our lord the king, (commonly called *The Clerk of the Crown* in the court of king's bench, or *The Mafter of the Crown Office* in the faid court), or any or either of his fworn clerks in the faid office, that fuch information hath been filed, (which information, in cafe the fame fhall be filed when the court of king's bench fhall not be fitting, fhall be confidered as filed on the laft day of the preceding term), it fhall and may be lawful to and for the lord chief juftice, or any of the other judges of the faid court, at the inftance of fuch profecutor or profecutors, to iffue his warrant, under his hand and feal, directed to all fheriffs, mayors, bailiffs, conftables, and other peace officers, and to fuch other perfon or perfons as fhall be named for that purpofe by fuch profecutor or profecutors, for apprehending and attaching the party or parties defendand or defendants to fuch information; and if fuch party or parties fhall efcape or go into, refide, or be in any place within that part of *Great Britain* called *Scotland*, it fhall and may be lawful for the fheriff or fteward depute or fubftitute, or any juftice of the peace of the county or place into which fuch party or parties fhall efcape or go, or in which he or they fhall refide or be, to indorfe his name on the faid warrant; which warrant fo indorfed fhall be a fufficient authority to all perfons to whom fuch warrant was originally directed, and alfo to all fheriffs officers, ftewards officers, conftables, and other peace officers of the faid county or place, by the fheriff, fteward depute or fubftitute, or juftice of the peace whereof fuch warrant fhall be fo indorfed, to execute the faid warrant in the fame county or place, by apprehending the party or parties againft whom fuch warrant fhall have been granted, and to convey and bring fuch party or parties in fafe cuftody before the faid court of king's bench, or before the lord chief juftice or any of the judges of the faid court, to be further dealt with according to the direftions of the faid former act, and this prefent act.

Court of king's bench may iffue out warrants for apprehending perfons accufed of extortion, etc. in the *East Indies*.

XVI. And be it further enacted, That it fhall and may be lawful to and for the party or parties againft whom any fuch information fhall be exhibited as aforefaid, (not being attached), to furrender himfelf or themfelves in the faid court of king's bench at any time during the fitting of the faid court, to be dealt with according to the direftions of the faid former act, and this prefent act, or if the faid court fhall not be fitting, unto the faid lord chief juftice, or any other of the judges of the faid court; and that when and fo often as any fuch party or parties fhall furrender himfelf or themfelves out of court as aforefaid, or fhall, during any vacation, or when the faid court fhall not be fitting, be attached and brought before the faid lord chief juftice, or other judge, under any warrant or attachment iffued by virtue of

Parties informed againft to be committed, or to find bail.

the said former act or this present act, the said lord chief justice, or other judge, shall and may order such party or parties to stand committed to the prison of the *Marshalsea*, or to the tower of *London*, or to the gaol of *Newgate*, at the discretion of the said lord chief justice or other judge, there to be detained until he or they shall be delivered by due course of law, or until he or they, together with two sufficient sureties, shall have entered into a recognizance unto the King's majesty, his heirs and successors, in such sum of money, and with such condition for his appearance, and for submitting to the judgement to be pronounced in and upon such information, as the said lord chief justice, or other judge, shall, in his discretion, order and direct. Provided always, That it shall and may be lawful for the said commissioners to order any person in custody, under the provisions of this act, to be from time to time brought up and remanded in such manner as to the said commissioners shall seem meet.

Mode of proceeding when parties abscond.

XVII. And be it further enacted, That when and so often as any party or parties, against whom any such information as aforesaid shall be exhibited, shall not be attached, or shall not have surrendered as aforesaid, and proof shall be made, by any affidavit or affidavits, to the satisfaction of the said court of king's bench, that such party or parties is or are beyond the seas, or that, upon enquiry at his or their usual place or places of abode, or last known place or places of residence in *Great Britain*, he or they could not be found, and that there is just ground to believe that such party or parties is or are gone, or doth or do continue out of the realm, or doth or do otherwise abscond, to avoid being attached to answer the matters charged in and by such information; then, and in such case, the said court shall and may make a rule or order, directing and appointing such party or parties to surrender himself or themselves in the said court, or to the lord chief justice, or one of the other judges of the said court, at a certain day in and by such rule or order to be limited and expressed, at the discretion of the said court; and a copy of such rule or order shall, within twenty days after the making thereof, be inserted three several times in the *London Gazette*; and another copy of such rule or order shall, within the time aforesaid, be affixed in some conspicuous and publick place in the *India house*: and if the said party or parties shall not surrender himself or themselves respectively, according to the tenor of such rule or order, within the time therein to be limited for that purpose, or within such further time as the said court shall appoint or direct (which the said court is hereby impowered to do, on application being made on the behalf of such party or parties, if the said court shall see cause), then, on proof being made of the publication of such rule or order in manner aforesaid, it shall and may be lawful for his Majesty's attorney general, or other profecutor, by rule and leave of the said court (which rule and leave the said court is hereby impowered to grant) to cause an appearance, and the plea of not guilty, to be entered for such party or parties charged by the said information;

and

and the said information shall thereupon proceed as if the party or parties had appeared and pleaded not guilty thereto.

XVIII. Provided always, and be it further enacted, That in all cases where the plea of not guilty shall be entered for the party or parties defendant or defendants to any information, by the prosecutor or prosecutors thereof, by virtue and according to the directions of this act, it shall be sufficient, in order to the hearing and determining of such information, for such prosecutor or prosecutors to give fourteen days notice of the day appointed for the trial thereof, by advertisement in the *London Gazette*; any law, usage, or practice, to the contrary notwithstanding.

Notice of trial to be given.

XIX. And be it further enacted, That if any party or parties charged by any such information as aforesaid, shall make default in his or their personal appearance, at the pronouncing of judgement, in the matter of such information, by and before the said special commissioners; it nevertheless shall and may be lawful for the said commissioners to pronounce judgement upon such information, in the same manner as if the said party or parties was or were personally present; and every such judgement shall be as valid, effectual, and conclusive, to all intents and purposes whatever, as if the said party or parties had been personally present at the pronouncing thereof; any law or usage to the contrary notwithstanding.

Judgement to be pronounced by the commissioners, though the parties do not appear.

XX. And be it further enacted, That whenever the party or parties charged by any such information shall personally appear before the said special commissioners, on the hearing or trial thereof, it shall and may be lawful to and for the said special commissioners, at any time during the course of such trial, to order such party or parties to stand committed to the prison of the *Marshalsea*, or to the tower of *London*, or to the gaol of *Newgate*, at the discretion of the said special commissioners, there to be detained until judgement shall be pronounced in the matter of the said information, unless he or they shall be previously delivered or discharged by the rule or order of the said commissioners.

Parties during trial may be committed.

XXI. And be it further enacted, That if any person or persons shall be guilty of any contempt or disturbance in the court of the said commissioners, during the sitting of the court, it shall and may be lawful to and for the said commissioners to order such person or persons to be taken into custody, by any officer or officers to be appointed by the said commissioners to attend the said court, and to stand committed to the prison of the *Marshalsea*, or the gaol of *Newgate*, at their discretion, to be there kept for such time as the said commissioners shall order and direct.

Disturbers of the court may also be committed.

XXII. And be it further enacted, That the judgements which shall be made and pronounced by the said special commissioners, according to the directions, and under the authority of the said recited act, and this present act, shall, when and so soon as the said judgements and other proceedings shall have been delivered over, by the register to the said commissioners, to the clerk of

Judgements of the commissioners to be executed by the court of king's bench, and to be final.

the crown in the faid court of king's bench, otherwife called *The Coronor and Attorney of our Lord the King*, or *The Mafter of the Crown Office* in the faid court), in the manner directed by the faid former act, be executed and enforced by the authority of the faid court of king's bench, and fuch proceedings to outlawry, and other proceedings, againft the feveral and refpective defendants thereto, fhall and may be had thereon, in the like manner as, according to the courfe and practice of the faid court, may be had upon judgement made and pronounced by the faid court; and the judgements of the faid fpecial commiffioners fhall be final and conclufive, to all intents and purpofes whatever, and fhall not be arrefted, defeated, reverfed, or avoided, or liable to be arrefted, defeated, reverfed, or avoided, for or by reafon or means of any error, defect, or want of form in any fuch judgement, or in the information whereon the fame fhall be given or pronounced, or in the award of any procefs thereon, or in the record of the iffue for the trial thereof; any law, ftatute, or ufage to the contrary notwithstanding.

This, or the recited act, not to deprive perfons of any right they are entitled to by law, etc.

XXIII. Provided always, and be it further enacted and declared, That nothing in the faid recited act, or in this prefent act contained, fhall extend, or be conftrued to extend, to deprive the profecutor or profecutors of any fuch information as aforefaid, or the party or parties defendant or defendants thereto, of any right, liberty, benefit, or advantage, to which, by the law of the land, or the rules of practice of the court of king's bench, fuch profecutor or profecutors, defendant or defendants, is or are, or would, could, or might have been intitled, upon any other information of a like nature, depending in the faid court of king's bench, before iffue in fact joined therein; nor to prevent or reftrict the faid court of king's bench from exercifing any fuch power or authority as would, could, or might have been legally exercifed by the faid court of king's bench, in the matter of any fuch information, before iffue in fact joined therein, if the faid former act, or this prefent act, had not been made; any thing in the faid former act, or this prefent act, contained to the contrary notwithstanding.

Mode of proceeding where demurrers are entered.

XXIV. Provided alfo, and be it further enacted, That if the party or parties charged by any fuch information as aforefaid, fhall enter a demurrer to fuch information, and fuch demurrer fhall be over-ruled by the faid court of king's bench, fuch party or parties fhall, within eight days next after the faid court fhall have given judgement on fuch demurrer, unlefs a writ of error fhall be brought thereon, and then within eight days next after fuch judgement fhall be affirmed, or fuch writ of error fhall be nonprosd, enter the plea of not guilty to fuch information, or, in default thereof, the faid plea of not guilty fhall and may be entered, for and in the name or names of fuch party or parties, by his Majesty's attorney general, or other profecutor; and the faid information fhall proceed in the like manner as if no demurrer had been entered thereto; any law, or the ufage or practice of the faid court, to the contrary notwithstanding.

XXV. Pro-

XXV. Provided also, and be it further enacted and declared, That if his Majesty's attorney general, or other prosecutor or prosecutors of any such information, shall be desirous of having the same proceeded in, tried, and determined in the said court of king's bench, and shall move the said court for that purpose, then, and in every such case, the said court shall grant a rule or order for retaining such information in the said court, and the said information shall be accordingly retained by the said court of king's bench, and shall be heard, tried, adjudged, and determined by the said court of king's bench, in such and the same manner, to all intents and purposes, as an information of the like nature would, could, or might have been proceeded in, heard, tried, and determined, in and by the said court, in case the said former act or this present act had not been made; any thing in the said former act or this present act contained to the contrary notwithstanding.

Informations may be determined in the court of king's bench.

XXVI. And be it further enacted, That whenever the party or parties, against whom any such information shall have been exhibited as aforesaid, shall be adjudged to pay a fine or fines to his Majesty, his heirs or successors; and also whenever any recognizance or recognizances entered into under the said former act or this present act, shall become forfeited, the said court of king's bench, or, in case the said court shall not be then sitting, the lord chief justice of the same court, shall and may forthwith, at the instance of his Majesty's attorney general, or other prosecutor, deliver to the lord chief baron, or any other of the barons of the court of exchequer, an estreat of the fine or fines, recognizance or recognizances, so adjudged or become forfeited respectively as aforesaid; and the said lord chief baron, or other of the said barons, shall thereupon, at the requisition of the said attorney general, or other prosecutor, authorise and direct the proper officer of the same court to award, and such officer shall accordingly forthwith award, under the seal of the same court, one or more special writ or writs of *extendi facias* and *capias*, or other special process, against the said party or parties adjudged to pay such fine or fines, or the principal or principals, and sureties, in such recognizance or recognizances respectively, and their lands, tenements, and hereditaments, goods, chattels, and effects, directed into such county or counties, cities, places, or liberties, to the proper sheriffs, or other officers of the same respectively, for the due execution thereof, as the said attorney general, or other prosecutor, shall desire or require in that behalf; and if such party or parties, or such principal or principals, and sureties, or any of them, shall have, or be seized or possessed of, or entitled to, any lands, tenements, or hereditaments, goods, chattels, estate, or effects, situate, lying, or being within that part of *Great Britain* called *Scotland*, or shall be resident in that part of the said united kingdom, then, and in either of such cases, his Majesty's court of exchequer in *Scotland*, or, when the said court shall not be sitting, the lord chief baron, or any other of the barons of the said court of exchequer

How fines, etc. are to be recovered.

in *Scotland*, upon a copy or tranfcript of the eftreat of fuch fine or fines, recognizance or recognizances, being fent or tranfmitted into the fame court, or delivered to the faid lord chief baron, or any other of the barons of the fame court, from and under the feal of the court of exchequer in *England*, or under the hand and feal of the lord chief baron, or any other of the barons thereof, (and which copy or tranfcript the faid court of exchequer in *England*, or, when the faid court fhall not be fitting, the lord chief baron, or any other of the barons of the fame court, is and are hereby required, at the inftance of his Majefty's attorney general, or other profecutor, to fend and tranfmit accordingly), fhall and may forthwith, at the inftance of the faid attorney general, or other profecutor, carry on fuch proceedings, and award fuch and the like procefs and proceffes as is and are competent by the law of that part of *Great Britain* called *Scotland*, for recovery of debts due to the crown.

Mode of recovering fines from property in the *East Indies*, when the effects in *Britain* are infufficient.

XXVII. And be it further enacted, That if it fhall at any time be made to appear, to the fatisfaction of the faid court of exchequer in *England*, at the inftance of his Majefty's attorney general, or other profecutor, by motion in the faid court on his or their behalf, that fuch party or parties, principal or principals, or fureties, as aforefaid, or any of them, have no lands, tenements, or other eftate or effects in *Great Britain*, or that the fame (if any) are not fufficient to answer the fum or fums forfeited by fuch recognizance or recognizances, or due for fuch fine or fines, refpectively, and that fuch party or parties, principal or principals, or fureties, or any of them, fhall have, or be feized or poffeffed of, or entitled to, any lands, tenements, or hereditaments, goods, chattels, debts, eftate, or effects, within any of the *British* poffeffions in the *East Indies*, refpectively, (the faid fum or fums, fine or fines, not being paid and fatisfied), then, and in every fuch cafe, the faid court of exchequer fhall and may, by rule or order of the faid court, caufe one or more tranfcript or tranfcripts of the eftreats of the faid recognizance or recognizances, fine or fines, to be fealed with the feal of the faid court, or to be otherwife attested, as the faid court fhall direct, and the fame, fo fealed or attested, fhall be clofed up under the feals of any two of the barons of the faid court, directed to the fupreme court of judicature in *Bengal*, and to the mayor's courts at *Madras* and *Bombay*, or to any or either of the faid courts, as the cafe fhall or may require; and the fame fhall be delivered by the faid barons, or one of them, to fuch agent or agents as the profecutor or profecutors fhall nominate or appoint for that purpofe; which agent or agents (or, in the cafe of his or their death, the perfon into whofe hands the fame fhall come), fhall deliver fuch tranfcript or tranfcripts to one of the judges of the faid fupreme court, or mayor's courts, refpectively, as the cafe may be or require, and make oath that he or they did receive the fame from the hands of one of the faid barons (or in what other manner the fame came into his or their hands), and that the
 fame

same hath not, or have not, been opened or altered fince he or they fo refpectively received the fame, (which oath any of the faid judges of any of the faid courts in *India* are hereby authorifed and required to adminifter); and thereupon fuch transcript or transcripts fhall be filed and recorded in fuch of the faid courts in *India* to which the fame fhall be fo directed, as the cafe may require; and, upon motion to be made in fuch courts or court for that purpofe, for and on the behalf of fuch profecutor, or profecutors, the like procefs and proceedings fhall and may, from time to time, be awarded and had, by and in the faid fupreme court of judicature, and the faid mayor's courts at *Madras* and *Bombay*, refpectively, or any or either of them, againft the lands, tenements, or hereditaments, goods, chattels, debts, eftate, and effects of the faid party or parties, principal or principals, and fureties, within the limits of the jurisdictions of fuch refpective courts in the *East Indies*, as might or could have been awarded or had in the faid court of exchequer in *England*, againft the lands, tenements, hereditaments, goods, chattels, debts, eftates, and effects of the fame party or parties, principal or principals, or fureties, in *England*; and the fame fhall be valid and effectual, any law, ufage, or custom to the contrary notwithstanding.

XXVIII. *And whereas it is by the faid recited act enacted, That in all cafes of informations laid or exhibited, by virtue of the faid act, in the court of king's bench, for mifdemeanors or offences committed in India, it fhall be lawful for the faid court to award a writ or writs of mandamus to the chief juftice and judges of the fupreme court of Fort William, or the judges of the mayor's court of any of the Britifh fettlements in India, as the cafe may require, who are thereby refpectively authorifed and required accordingly to hold a court for the examination of witneffes, and receiving other proofs concerning the matters charged in fuch informations refpectively, and that fuch examination fhall be then and there openly taken, and reduced into writing, in manner therein mentioned, and fent to his Majefty, in his court of king's bench, clofed up, and under the feals of two or more of the judges of the faid fupreme court, and that one or more of the judges of the faid fupreme court fhall deliver the fame to the agent or agents of the party or parties requiring the fame; which faid agent or agents (or, in cafe of his or their death, the perfon into whose hands the fame fhall come) fhall deliver the fame to one of the clerks in court of his Majefty's court of king's bench, in the publick office, and make oath that he received the fame from the hands of one or more of the judges of fuch court in India (or in what manner the fame came into his hands), and that the fame hath not been opened or altered fince he fo received the fame: and whereas a doubt may arife, whether fuch examinations as may be taken by the judges of the mayor's court in any of the Britifh fettlements in India, by force and virtue of the faid act, may be lawfully fent, clofed up, under the feals of the fame judges, and whether any one or more of the fame judges is or are empowered to deliver the fame to the agent or agents of the party requiring the fame; be it therefore enacted, That every examina-*

Recital of act
24 Geo. 3. c.
25, fect. 88.

Examinations
tion in India to be

sealed up and given to the agents of the parties, to be delivered to the clerks of the king's bench.

tion which fhall or may be had or taken by the judges of the mayor's court of any of the *British* fettlements in *India*, by force and virtue of the faid act (being reduced into writing, as in the faid act is directed or mentioned) fhall be fent to his Majefty, in his court of king's bench, clofed up, and under the feals of two or more of the judges of the mayor's court of any of the *British* fettlements in *India*, and one or more of the judges of the fame court fhall deliver the fame to the agent or agents of the party or parties requiring the fame; which faid agent or agents (or, in cafe of his or their death, the perfon into whose hands the fame fhall come) fhall deliver the fame to one of the clerks of his Majefty's court of king's bench, in the publick office, and make fuch or the like oath as is in and by the faid act directed and prefcribed; any thing in the faid act contained to the contrary notwithstanding.

Persons refident in *India* amenable to the courts there.

XXIX. And be it further enacted, That as well the fervants of the faid united company, as all other of his Majefty's fubjects refident or to be refident in *India*, fhall be, and are hereby declared to be amenable to the courts of oyer and terminer and gaol delivery, and courts of general or quarter feflions of the peace, in any of the *British* fettlements in *India*, for all murders, felonies, homicides, manfauughters, burglaries, rapes of women, perjuries, confederacies, riots, routs, retainings, oppreffions, trefpaffes, wrongs, and other mifdemeanors, offences, and injuries whatfoever, by them done, committed, or perpetrated, or to be by them hereafter done, committed, or perpetrated, in any of the countries or parts of *Afia*, *Africa*, or *America*, beyond the *Cape of Good Hope*, to the *Streights of Magellan*, within the limits of the exclufive trade of the faid united company, whether the fame fhall have been done, committed, or perpetrated, or fhall hereafter be done, committed, or perpetrated, againft any of his Majefty's fubjects, or againft any other perfon or perfons whatever.

Governor, etc. of Fort Saint George, etc. to have jurifdiction in all matters civil and criminal.

XXX. And be it further enacted and declared, That the governor or prefident and council of *Fort Saint George*, for the time being, in their courts of oyer and terminer and gaol delivery, and quarter, or general feflions of the peace, and alfo the mayor's court at *Madras*, according to their feveral and refpective judicatures, fhall have cognizance and jurifdiction, as well civil as criminal, over all *British* fubjects whatfoever, who now refide or fhall hereafter refide within any of the forts, factories, towns, lands, or territories, in the poffeffion of the faid united company, on the coaft of *Coromandel*, or in any other part of the *Carnatic*, or in the five northern circars, including thofe parts of the faid circars which lie within the kingdom or province of *Oriffa*, or within any of the dominions or territories of the foubah of the *Deccan*, the nabob of *Arcot*, or the rajah of *Tanjore*.

So much of recited act as relates to delivery of in-

XXXI. And be it further enacted, That fo much of the faid recited act as requires or directs any perfon or perfons now being, or who may hereafter be, in the fervice of the faid united company

company in *India*, to deliver any particular or inventory of his or their lands, tenements, goods, chattels, debts, securities for money, and other real and personal estate and property, or as subjects any such person or persons to any pain, penalty, or forfeiture for any neglect or omission therein, or for any untrue specification of his or their estates or properties, or as directs any allowance or reward to be made or given to any person making discovery of any estate or property concealed, or not specified, disclosed, or described, by any such particular or inventory as aforesaid, shall be, and the same is hereby repealed.

ventories of effects, etc. repealed.

XXXII. *And whereas sundry acts of parliament have been heretofore made, and are now in force, for securing the whole, sole, and exclusive trade in, to, and from the East Indies, and all places between the Cape of Good Hope and the Streights of Magellan, to the said united company, by which said acts, or some of them, the offenders against the same are made subject and liable to divers punishments, forfeitures, and penalties in the said acts respectively mentioned, which offences may be prosecuted, and the said forfeitures and penalties sued for and recovered, in some or one of his Majesty's courts of record at Westminster: and whereas it may be necessary and proper, in certain cases, that the said offences should be prosecuted, and the said forfeitures and penalties sued for and recovered, in the courts of justice in the East Indies: be it therefore enacted, That all offences which shall be committed after the first day of January,*

From Jan. 1, 1787, offences against the laws for securing the East India trade may be tried in the East Indies.

one thousand seven hundred and eighty-seven, against any law now in force for securing the exclusive trade in, to, and from the East Indies, and places aforesaid, to the said united company, and all forfeitures and penalties to be incurred after the said first day of January, one thousand seven hundred and eighty-seven, for illicitly trading or for being in the East Indies, or doing any other act against the said laws or statutes, or any of them, shall and may be prosecuted, sued for, and recovered in the supreme court of judicature at Fort William in Bengal, or in the respective mayor's courts of Fort Saint George and Bombay, in like manner as the same can or may be prosecuted, sued for, and recovered in any of his Majesty's courts of record at Westminster; and it shall and may be lawful for the said respective courts in the East Indies to pass and give the like judgement, in such prosecutions, actions, and suits, as might be passed and given, for the like matter, cause, or thing, in any of his Majesty's courts of record at Westminster, and to carry such judgements into execution, and to order any offender or offenders, after conviction for any such offence, to be sent and conveyed to Great Britain; any thing contained in any of the said acts to the contrary notwithstanding.

XXXIII. *And be it further enacted, That when any ship, vessel, goods, merchandize, or other effects, shall be seized in the East Indies, or other parts within the limits of the said company's exclusive trade, under the authority or for the use of the said united company, for or by reason of any forfeiture incurred, or suggested to have been incurred, by the owner or*

Causes of seizure may be determined in the East Indies.

owners

owners thereof, under any of the laws or ſtatutes aforeſaid, it ſhall and may be lawful to and for the ſaid ſupreme court, or either of the ſaid mayor's courts, to hear and determine the cauſe of ſuch ſeizure, or any matter of complaint concerning the ſame, and to proceed to condemnation or reſtoration of the property and effects ſo ſeized, and to give judgement thereon, and to carry ſuch judgement into execution, in like manner as his Maſteſty's court of exchequer could or might have done, if ſuch ſeizure had been made in any port or place in *England*; any law or ſtatute to the contrary notwithstanding.

XXXIV. *And whereas doubts have ariſen, whether ſuch perſons reſident within the limits of the ſaid company's excluſive trade, whoſe licences ſhall have expired, or who ſhall have ceaſed to be employed in the ſervice of the ſaid company, are ſubject to the ſeveral regulations pro- viſions, penalties, and forfeitures, by any act or acts of parliament made or impoſed touching ſuch perſons as ſhall go to, traffick, trade, or adventure in, or be or be found within the limits aforeſaid, con- trary to the prohibitions and reſtrictions in the ſaid ſeveral acts con- tained;* be it enacted by the authority aforeſaid, That all and every perſon and perſons whoſe licence or licences to go to, or trade, traffick, or reſide within, the limits aforeſaid, ſhall have ceaſed and determined, or who ſhall have been diſmiſſed from, or reſigned the ſaid company's ſervice, and ſhall be found within the limits aforeſaid after ſuch time as ſhall be allowed by the governor and council of the reſpective preſidencies in *India* wherein ſuch perſon or perſons ſhall be found, ſhall be deemed and taken, to all intents and purpoſes, to be ſubject to all the proviſions, regulations, penalties, and forfeitures by any act or acts made or impoſed upon any perſon or perſons who ſhall repair, fail, or go to, or traffick, trade, or adventure in, or be or be found in any place within the limits aforeſaid, without licence having been obtained from the ſaid company, or with- out having been in the ſaid company's ſervice.

XXXV. And be it further enacted, That the powers and authorities in and by the ſaid acts, and every or any of them, given, granted, or provided, for taking, arreſting, ſeizing, re- mitting, ſending, or bringing to *England*, any perſon or per- ſons being in the *East Indies*, or in the limits or parts aforeſaid, contrary to the proviſions of the ſaid acts, or of this act, and for ſeizing any ſhips, veſſels, goods, or effects, made liable to ſeizure by the ſaid company by any law now in force, ſhall and may be enforced and put in execution by, or by the order and authority of the governor general and council of *Bengal*, or the preſident and council of *Fort Saint George* and *Bombay*, reſpec- tively, or by any reſident at any other of the *British* ſettlements in the *East Indies*, for the time being, reſpectively, or by, or by the order and authority of the company's council of ſupercar- goes for the time being, at the town or factory of *Canton*, within the ſaid town or factory, and upon the river of *Canton*, and by ſuch other perſon or perſons as ſhall, from time to time, be ſpecially deputed and authorized for that purpoſe by the court

Perſons whoſe licences have expired, ſub- ject to the penalties of unlicensed perſons.

Powers of ſeizing, etc. unlicensed perſons and ſhips, may be exerciſed by the governor, etc. of *Bengal*, etc.

court of directors of the said company for the time being, in the name of the said company.

XXXVI. Provided always, nevertheless, and be it enacted and declared, That no person now being in the *East Indies*, or other parts within the limits of the company's exclusive trade, and who shall not have had notice given to him, by the order or authority of the said court of directors, or by the governor general and council of *Fort William*, or the governor or president and council of *Fort Saint George* or *Bombay*, before the passing of this act, to remove or withdraw himself from the said parts and limits, shall, before the first day of *January*, one thousand seven hundred and eighty-eight, be liable to be arrested, seized, or brought to *England*, under the authority of this act, on account of his going to, or trading, trafficking, residing, or being found in the *East Indies*, or parts aforesaid, without licence or other lawful authority in that behalf; to the intent that every such person may have a reasonable time to settle and adjust his private affairs; any thing in this act, or in any other act, contained to the contrary notwithstanding: provided also, That it shall and may be lawful to and for the governor general and council of *Fort William*, and the governor and council of *Fort Saint George* and *Bombay*, and the resident at *Fort Marlborough*, within their respective presidencies or limits, to grant licences, in their discretion respectively, under their hands and seals, to any of his Majesty's subjects now resident, in the presidencies or places aforesaid, for permitting such subjects respectively, or any of them, to remain and continue to trade or reside within the said presidencies, or other places aforesaid, (such person or persons not being, by reason of his or their holding any office or employment, offices or employments, or in any other manner, disabled, or prohibited from trading in the *East Indies*, or parts aforesaid, by any act or acts now in force), for any term not exceeding two years, to be computed from the first day of *January*, one thousand seven hundred and eighty-seven, the persons receiving such licences first entering into the like covenants as are usually entered into by persons licensed by the said company, or such other reasonable covenants as shall be directed by the court of directors of the said company for the time being; and that all and every of such licences shall be of the same force and effect, during the term for which the same shall be so lawfully granted, (unless the same shall be sooner revoked by the said court of directors, or by the governors and councils of the said respective presidencies in *India*, who are hereby authorized, in their discretion, to revoke and determine the same), as if such licences had been granted under the seal of the said company; any thing in this act, or in any former act, contained to the contrary notwithstanding.

Persons to whom notice to remove has not been given, may continue in the *Indies* till Jan. 1, 1788.

Governors, etc. may grant licences for two years from Jan. 1, 1787.

XXXVII. And be it further enacted, That if any suit or action shall be brought or commenced against the said company, or any of their servants, or against any persons acting by their

their authority, for the recovery of any cofts or damages for the unlawful taking, arresting, feizing, imprifoning, fending, or bringing to *England*, of any perfon or perfons found in the *East Indies*, or other parts aforefaid, within the limits of the faid company's exclufive trade, or as not being authorized to refide or traffick there, the defendant or defendants to fuch fuit or

General iffue.

action fhall and may plead the general iffue, and give the fpecial matter in evidence, for his or their defence; and the proof fhall lie on the plaintiff or plaintiffs, upon the trial of the iffue, to fhew that at the time or times of arresting or feizing fuch perfon or perfons refpectively, for the caufe aforefaid, in the manner in which the fame fhall be laid or charged to have been done, in and by the declaration or declarations in fuch fuits or actions, the perfon or perfons fo arrested or feized was or were in the military or marine fervice of the King's majefty, his heirs or fucceffors, or was or were under covenant to ferve the faid company in *India*, or was or were duly poffeffed of a licence or licences in writing, authorifing him or them to go to or refide and traffick in *India*, or other the faid parts and limits, or that the perfon or perfons (not being in his Majefty's fervice) was or were, at the time or times of his or their being fo feized or arrested, entitled or authorized, by the ftipulations of fuch covenants or licences refpectively, to remain and continue in *India*, or other the parts and limits aforefaid; and in failure of fuch proof, the plaintiff or plaintiffs fhall become nonfuit, and in fuch cafe, or in any other cafe wherein the plaintiff or plaintiffs in any fuch fuit or action fhall become nonfuit, or wherein judgement fhall be given againft fuch plaintiff or plaintiffs upon demurrer, or where a verdict fhall pafs for the defendant or defendants, the defendant or defendants fhall have treble cofts awarded, to be paid by the refpective plaintiff or plaintiffs in fuch fuit or action; any law, ftatute, or provision, to the contrary notwithstanding.

Treble cofts.

XXXVIII. *And whereas great difficulties, expence, and delay, often arife in giving proof in Great Britain, of the execution of bonds, and other deeds and writings, executed and witnessed by perfons refident in the East Indies; and the like difficulties, expence, and delay, alfo arife in giving proof in the East Indies, of the execution of bonds, and other deeds and writings, executed and witnessed by perfons refident in Great Britain; for remedy thereof,* be it enacted, That whenever any bond, or other deed or writing, executed in the *East Indies*, and attested by any perfon or perfons refident there, fhall be offered in evidence in any of the courts of juftice in *Great Britain*, it fhall be fufficient to prove, by one or more credible witness or witnesses, that the name or names fubfcribed to fuch bond, deed, or writing, purporting to be of the hand or hands writing of the obligor or obligors to fuch bond, or of the party or parties to fuch deed or writing, is or are of the proper hand writing or hands writing of fuch obligor or obligors, party or parties, refpectively, and that the name or names fet and fubfcribed of the witness or witnesses attesting the execution

Bonds executed in the *East Indies* fhall be evidence in *Britain*, and contrariwife, on proof of the hand writing of the parties.

execution of the fame, refpectively, is or are of the proper hand or hands writing of the witnefs or witneffes fo attesting the fame, and that fuch witnefs or witneffes is or are refident in the *East Indies*; and, in like manner, all courts of juftice in the *East Indies* fhall admit the like proof of the execution of bonds and other deeds and writings executed in *Great Britain*, and witneffed by any perfon or perfons refident in *Great Britain*: and fuch proofs fhall be deemed and taken to be as valid and fufficient evidence of the due execution of fuch bonds, and other deeds and writings, as if the witnefs or witneffes thereto was or were dead.

XXXIX. And be it further enacted, That this act fhall be Publick a&. deemed and taken to be a publick act, and fhall take place and have commencement in *Great Britain*, immediately after the Commencement thereof. fame fhall have received his Majefty royal affent; and fhall take place and have commencement in and throughout the *East Indies*, and parts within the limits of the exclusive trade granted to the faid company, from the firft day of *January*, one thousand feven hundred and eighty-feven.

C A P. LVIII.

An act for procuring, upon oath, returns of all charitable donations, for the benefit of poor perfons, in the feveral parifhes and places within that part of Great Britain called England.

WHEREAS it is proper that the legislature, who are direct- Preamble.

ing inquiries into the ftate and condition of the poor, fhould be informed of the feveral charitable donations for the ufe and benefit of poor perfons; which information cannot be effectually obtained without the aid and affiftance of parliament: may it therefore pleafe your Majefty that it may be enacted; and be it enacted by the King's moft excellent majefty, by and with the advice and content of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That a fufficient number of printed copies of this act, and alfo of the fchedule hereunto annexed, fhall, as foon as conveniently may be after the paffing hereof, be tranfmitted, by *George White* efquire, one of the clerks attending the houfe of commons, to the clerks of the peace of every county, riding, divifion, city, liberty, foke, franchise, town corporate, and place, having clerks of the peace, in *England* and *Wales*; and that the faid feveral clerks of the peace fhall, and they are hereby required, with all convenient fpeed, not exceeding fourteen days after receiving the fame, to caufe a fufficient number of the fchedule to this act annexed to be delivered, together with a printed copy of this act, to every high conftable, or, where there fhall be no high conftable, to fuch other proper officer who hath the execution of precepts from juftices of the peace within fuch refpective jurisdictions, and alfo to the town clerks or other proper officers of every city, borough, town corporate, or place, in which quarter fefions of the peace are ufually

Printed copies of this act to be tranfmitted to the clerks of the peace, to be diftributed amongft the high conftables, etc.

uſually holden, ſituate within the county, riding, diſviſion, city, liberty, ſoke, franchise, town corporate, and place, for which the ſaid clerk of the peace or town clerk ſhall reſpectively act; and the ſaid clerks of the peace and town clerks ſhall, and are hereby required to receive the ſame, and alſo to receive the answers and returns to be made by the miniſters and churchwardens, or other perſons, purſuant to the directions herein-after given: and the ſaid town clerks and other officers ſhall, as ſoon as conveniently may be after receiving the ſaid answers and returns, ſubſcribe and deliver the ſame to the ſaid ſeveral clerks of the peace from whom they received the ſchedule; and the ſaid ſeveral clerks of the peace ſhall tranſmit ſuch answers and returns to the clerk of the parliaments, with all convenient ſpeed, in order that the ſame may be inſpected by the parliament, upon pain of forfeiting, for every neglect or default, a ſum not exceeding ten pounds, nor leſs than five pounds, at the diſcretion of the juſtice or juſtices before whom complaint thereof ſhall be made.

Returns made by the miniſters and churchwardens to be tranſmitted to the clerk of the parliaments.

Duty of the high conſtables, etc. preſcribed.

II. And be it further enacted, That the ſaid high conſtables, town clerks, or other proper officers ſo deſcribed as aforeſaid, ſhall receive from the ſaid clerks of the peace the ſaid acts and printed ſchedules, and ſhall, within ſeven days after the receipt thereof, attend two or more of the juſtices of peace acting within their reſpective limits, with ſome of the ſaid printed ſchedules, and at the ſame time produce, ſhew, and deliver to each of ſuch juſtices one of the ſaid printed acts and ſchedule, in order that they may appoint a convenient time and place for the meeting herein-after directed; and the ſaid juſtices are hereby required to appoint the ſame, and to ſign the precept contained in the ſaid ſchedule, as herein-after mentioned; and the ſaid high conſtables, or other proper officers, after receiving ſuch precept, ſhall fill up the blank in the precept, in every ſchedule, directing the time and place of the meeting, in like manner as they ſhall be appointed and filled up by the ſaid juſtices, and ſhall, with all convenient ſpeed, deliver, or cauſe to be delivered, one or more of ſuch ſchedule to the rector, vicar, or officiating miniſter, and alſo to the churchwarden or churchwardens, chapelwarden or chapelwardens, in every pariſh, townſhip, or place, within their reſpective limits, and in places where there are no miniſter, churchwarden, or chapelwarden, to the overſeer or overſeers of the poor for ſuch pariſh, townſhip, or place, if any, and if there ſhall be no ſuch overſeer, to ſome ſubſtantial houſholder reſiding within the ſame, and ſhall alſo deliver to every ſuch miniſter one of the printed copies of this act; and the ſaid high conſtables, or other proper officers, ſhall ſubſcribe their names at the foot of the precept contained in the ſaid ſchedule, under the words there written for that purpoſe, before they deliver the ſame; and ſhall attend the ſaid reſpective meetings ſo to be appointed by the juſtices, and then and there produce the ſaid act, and receive the ſeveral answers and returns made by the miniſter and churchwarden, or other perſon before deſcribed, and indorſe upon the back of each of them the
name

name of the hundred, riding, diſtinction, rape, wapentake, laſhe, precinct, ſoke, franchise, liberty, city, or town corporate, wherein the ſaid pariſh, townſhip, or place, therein mentioned, is ſituate, and tranſmit the ſame, together with a true and perfect liſt of the names of the miniſter and churchwarden or chapelwarden, overſeer and houſholder, of every pariſh, townſhip, and place, to whom ſuch ſchedule had been delivered by them reſpectively as aforeſaid, to the ſeveral clerks of the peace, at the then next *Michaelmas* quarter ſeſſions of the peace, or the adjournment thereof, (which adjournment the juſtices at ſuch *Michaelmas* quarter ſeſſions of the peace are required to make to ſome convenient day within one calendar month after ſuch *Michaelmas* quarter ſeſſions, in caſes where any ſuch return ſhall not be made at the ſaid *Michaelmas* quarter ſeſſion); and every ſuch high conſtable, or other proper officer, ſhall forfeit, for every default or neglect in the premiſes, a ſum not exceeding ten pounds, nor leſs than five pounds, at the diſcretion of the juſtice or juſtices before whom complaint thereof ſhall be made.

III. And be it further enacted, That the ſeveral juſtices of the peace, within their reſpective juriſdictions, to whom ſuch ſchedule ſhall have been delivered as aforeſaid, ſhall, as ſoon as conveniently may be after receiving the ſame, and ſeeing the act, appoint a time and place, or times and places, (which time or times ſhall be before the fifteenth day of *October*, one thouſand ſeven hundred and eighty-fix), for the rector and vicar, or, in their abſence, for the officiating miniſter and churchwarden or chapelwarden, or for the overſeer or ſubſtantial houſholder, where there ſhall be no churchwarden or chapelwarden as aforeſaid within their reſpective juriſdictions, to attend them at ſuch meeting or meetings for the purpoſes of this act, with returns and answers to the queſtions ſtated in the ſaid ſchedule; and two or more of the ſaid juſtices ſhall, and are hereby required to cauſe notice in writing to be given of ſuch meeting to ſuch miniſter, and churchwardens or chapelwardens, overſeers, or houſholder, reſpectively, by their precept, as hereinbefore directed, twenty-eight days at leaſt before the day to be appointed for ſuch meeting, requiring their attendance at ſuch meeting for the purpoſes of this act; which precept ſhall be in the form or to the effect contained in the ſaid ſchedule.

Juſtices to appoint a day prior to Oct. 15, 1786, for the attendance of miniſters and churchwardens.

IV. And be it further enacted, That the miniſter and churchwarden, chapelwarden, overſeer, or houſholder, as aforeſaid, of every ſuch pariſh, townſhip, and place, ſhall, and are hereby required to attend the juſtices of the peace at ſuch meeting or meetings, and then and there deliver to the ſaid juſtices in writing, ſigned by them, upon oath, a juſt and true account of all charitable donations which have been, according to the beſt of their knowledge and information, given, by deed or will, for the benefit of poor perſons, within their reſpective pariſhes or places, diſtinguiſhing, as far as they are able, by whom, when, and in what manner, and for what purpoſe, given; likewise, whether

Miniſters, etc. at ſuch meeting to give in a written return upon oath.

whether such respective donations were in land or money, and in whom now vested, and what is the annual produce thereof, respectively; by way of answer and return to the said questions, as before directed.

Justices to receive returns, etc. and administer an oath to the minister, etc.

V. And be it further enacted, That the said justices of the peace shall, and they are hereby also required, at such meeting or meetings so to be appointed by them as aforesaid, to receive and take the answers and returns to be made by the minister and churchwardens, or chapelwardens, overseers, and householders, respectively, pursuant to the directions aforesaid, and then and there administer to them respectively the oath contained in the said schedule; and such justices, if they see cause, may, and they are hereby authorized to examine such minister, churchwarden, chapelwarden, overseer, and householder, respectively, upon oath, touching any of the matters contained in such questions and answers; and the said justices shall then deliver such answers and returns to the respective clerks of the peace, or town clerks, pursuant to the directions aforesaid, in order that the same may be transmitted to the clerk of the parliaments, as is herein directed.

Penalty on ministers, etc. for neglect.

VI. And be it further enacted, That every minister and churchwarden, or chapelwarden, overseer, or householder, as aforesaid, making default in any of the matters hereby required, shall, for every such neglect or default, forfeit a sum not exceeding ten pounds, nor less than five pounds, at the discretion of the justice or justices before whom complaint thereof shall be made.

Act to be read at the Midsummer quarter sessions wherever holden, and in every parish church the Sunday next after July 31, 1786.

Penalty on persons not making a discovery of lands or money in their hands, left for charitable purposes, prior to Sept. 30, 1786.

VII. And be it further enacted, That this act shall be publicly read, in open court, at the next *Midsummer* quarter sessions of the peace, in every county, riding, division, city, liberty, foke, franchise, town corporate, and place, where any general quarter sessions of the peace shall be holden, and also by the officiating minister, in every parish church or chapel in that part of *Great Britain*, called *England*, the first *Sunday* on which divine service shall be performed after the thirty-first day of *July*, one thousand seven hundred and eighty-six, immediately after such service; and that in case any person or persons seised or possessed of any land or money which had, at any time before the said thirty-first day of *July*, been conveyed or given, by deed or will, to or for the use or benefit of any poor person or persons, shall wilfully neglect to make discovery thereof, on or before the thirtieth day of *September* now next ensuing, to the minister, churchwarden, chapelwarden, overseer or householder, of the parish or place where the persons live who are the objects of such charity, he, she, or they so neglecting shall forfeit, for every such neglect, a sum equal to one half of the value of the land or money so given as aforesaid, to be recovered by action, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, in the courts of great session in *Wales*, or in the courts of the counties palatine of *Chester*, *Lancaster*, and *Durham*; one moiety of the said penalty or forfeiture to go to the

the informer, or person suing for the same, and the other moiety to his Majesty, his heirs and successors, for such uses and purposes as he or they shall in their great wisdom direct.

VIII. And be it further enacted, That there shall be paid and allowed, for the trouble and expence of the several persons employed in the transactions aforesaid, for every return which shall be so made and transmitted to the clerk of the peace pursuant to the directions aforesaid, the sums following, and no more; *videlicet*:

- To the clerk of the peace, for the return which shall be made from every parish, township, or place, the sum of one shilling: To the clerk of the peace, 1s.
- To the high constable, town clerk, or other proper officer, for the like, the sum of one shilling and sixpence: High constable, &c. 1s. 6d.
- To the clerk of the justices of the peace, for the like, the sum of sixpence. Justices clerk, 6d.

And that the justices of the peace, at their respective quarter sessions which shall be holden next after *Michaelmas*, one thousand seven hundred and eighty-six, shall, and are hereby required to make an order upon their respective treasurers, to pay the same out of the rates to be made and collected for the respective counties, ridings, divisions, precincts, fokes, franchises, liberties, cities, towns corporate, or places, herein-before mentioned.

IX. And be it further enacted, That the several forfeitures and penalties inflicted by this act, where the method for recovering thereof is not hereby particularly directed, if not immediately paid, shall be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of any justice having jurisdiction where such offender shall dwell, rendering to the said offender the overplus (if any), after the charge of such distress and sale shall be deducted; and in case sufficient distress shall not be found, then it shall be lawful for such justice to commit such offender to the common gaol, there to remain, without bail, or mainprize, for a term not exceeding twelve calendar months, nor less than six calendar months, at the discretion of such justice, unless the said forfeitures and charges shall be sooner paid; and the said forfeitures and charges, when recovered, shall be paid and applied, one moiety to the informer, and the other moiety to the said respective treasurers, in aid of the rates aforesaid; and any person shall be deemed a competent witness, for the execution of any of the purposes of this act, notwithstanding his paying or being liable to contribute to such rates.

X. And be it further enacted, That in case any person shall wilfully and corruptly make a false oath, touching any of the matters contained in this act, and be thereof duly convicted, he shall be, and is hereby declared to be subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are liable to.

SCHEDULE

Questions, to which answers are to be returned, by virtue of an act, passed in the twenty-sixth year of the reign of his majesty King George the Third, intituled, *An act for procuring returns, upon oath, of all charitable donations, for the benefit of poor persons, in the severall parishes or places within that part of Great Britain called England.*

Question the 1st. What charitable donations have been given, by deed or will, for the benefit of poor persons, within your parish [*or place*]; by whom, when, in what manner, and for what particular purpose, were they given, to the best of your knowledge, information, and belief?

Question the 2d. Were the said respective donations in land or money; in whom are they now vested, and what is the annual produce thereof respectively, to the best of your knowledge, information, and belief?

Form of the Oath.

YOU shall swear, That the answers and return now made by you, to the questions contained in the schedule hereunto annexed, are full and true answers to the said questions, to the best of your knowledge, information, and belief.

The RETURN to be annexed to the schedule, and indorsed by the high constable, town clerk, or other proper officer, receiving returns from the justices: Thus;

ANSWERS returned to the questions in the schedule annexed, from the parish [*or place*] of _____ in the hundred [*rape, wapentake, lathe, precinct, soke, franchise, liberty, division, city, town corporate, or place*] of _____ [*as the case may be*] the _____ day of _____

ANSWERS to the First Question.

Name of the Person who gave the Charity.	When given.	Whether by Will or Deed.	For what Purpose given.

ANSWERS

ANSWERS to the Second Queftion.

Whether in Land or Money.	In whom now vefted.	Amount of in Money.			Annual Produce.		
		£.	s.	d.	£.	s.	d.

PRECEPT to the high conftable, *etc.* [*as the cafe fhall be*] appointing a day and place for taking the answers and returns, and requiring the attendance of the minifter and churchwardens, *etc.*

County, *etc.* } To the conftable [*or town clerk, etc.*] of
of } [or] within the hundred, [division, liberty,
to wit. } city, or town, as the cafe may be] of in the
said county, *etc.* [*as the cafe fhall be*].

IN order to carry into execution an act, made in the twenty-sixth year of the reign of his majesty King George the Third, for procuring returns, upon oath, of all charitable donations given by deed or will, for the benefit of poor persons, in the several parishes and places within that part of Great Britain called England, you are hereby required, with all convenient speed, to give, or cause to be given, notice to the rectors and vicars, or officiating ministers, churchwardens, and chapelwardens, of every parish within your district aforesaid; and, in places where there shall be no officiating minister, churchwarden, or chapelwarden, to the overseer or overseers of the poor; and if no overseer, to some substantial householder of such place, by delivering to each of them a printed copy of the schedule to the said act, with the time and place for the meeting filled up in the precept as herein appointed, that they are required to appear at on the day of next, at the hour of in the forenoon, then and there to deliver, upon oath, a just and true account of all charitable donations given by deed or will, for the benefit of poor persons, within their respective parishes and places, distinguishing, as far as may be, by whom, when, and in what manner, and for what purpose, given; likewise, whether such respective donations were in land or money, and in whom they are now vested, and what is the annual produce thereof respectively, on pain of forfeiting a sum not exceeding ten pounds, nor less than five pounds, for every neglect or default.

default. Given under our hands, the day of in
the year of our Lord

The above precept contains the notice I am directed to give you.

[Here the officer, required to give the notice, is to subscribe his Name.]

N.B. The high constables, town clerks, or other proper officers before they deliver the schedule, are required to fill up the blanks which shew the appointment of the day and place for the meeting, in the manner they are filled up by the justices who signed the precept.

The following list, when made out, must be signed by the high constable, &c.

List of the names of the minister and churchwardens or chapelwardens, overseers, and householders, [as the case shall be], of every parish, township, or place, to whom I have delivered the schedule, pursuant to the directions of this act.

C A P. LIX.

An act for repealing certain duties now payable on wines imported, and for granting new duties in lieu thereof, to be collected under the management of the commissioners of excise.

Preamble.

Recital of 18
Geo. 2. c. 9.
and

WHEREAS by an act, made in the eighteenth year of the reign of his late majesty King George the Second, (intituled, An act for granting to his Majesty several additional duties upon all wines imported into Great Britain, and for raising a certain sum of money by annuities and a lottery, in manner therein mentioned, to be charged on the said additional duties), it was enacted, That, from and after the twenty-fifth day of March, one thousand seven hundred and forty-five, over and above all subsidies of tonnage and poundage, and all other subsidies and impositions whatsoever, due or payable for all wines imported into Great Britain, by any act or acts of parliament then in force, there should be raised, levied, collected, and paid unto his Majesty, his heirs and successors, (before landing thereof), the additional impositions, rates, or duties following, without any discount or deduction inwards, or drawback upon the exportation afterwards; (that is to say), For every ton of French wine which should be imported into this kingdom, the sum of eight pounds, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines imported into this kingdom, the sum of four pounds, and so after that rate for any greater or lesser quantity: and also by another act, made in the third year of the reign of his present Majesty, (intituled, An act for granting to his Majesty several additional duties upon wines imported into this kingdom, and certain duties upon all cyder and perry; and for raising the sum of three millions five hundred thousand pounds by way of annuities and lotteries, to be charged on the said duties),

Act 3 Geo. 3.
c. 12; and

duties), it was enacted, That, from and after the thirty-first day of March, one thousand seven hundred and sixty-three, over and above all subsidies of tonnage and poundage, and all other subsidies, additional duties, and other impositions whatsoever, due or payable for all wines imported into Great Britain, by any act or acts of parliament then in force, there should be raised, levied, collected, and paid unto his Majesty, his heirs and successors, (before landing thereof), the additional impositions, rates, or duties following, without any discount or deduction inwards, or drawback upon re-exportation afterwards; (that is to say), For every ton of French wine which should be imported into this kingdom, the sum of eight pounds, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines imported into this kingdom, the sum of four pounds, and so after that rate for any greater or lesser quantity: and also by another act, made in the eighteenth year of the reign of his present Majesty, (intituled, An act for granting to his Majesty several additional duties upon wines and vinegar imported into this kingdom), it was enacted, That, from and after the twentieth day of April, one thousand seven hundred and seventy-eight, over and above all subsidies of tonnage and poundage, and all other subsidies, additional duties, and impositions whatsoever, due or payable for all wines imported into Great Britain, by any act or acts of parliament then in force, there should be raised, levied, collected, and paid unto his Majesty, his heirs and successors, (before landing thereof), the additional impositions, rates, or duties following, without any discount or deduction inwards whatsoever, or any drawback upon re-exportation afterwards, except as therein-after was provided; (that is to say), For every ton of French wine which should be imported into this kingdom, the sum of eight pounds and eight shillings, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines imported into this kingdom, the sum of four pounds and four shillings, and so after that rate for any greater or lesser quantity: and whereas, by virtue of another act, made in the nineteenth year of the reign of his said present Majesty, (intituled, An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in Great Britain), an additional impost or duty, after the rate of five pounds per centum, became charged upon the produce and amount of the said additional impositions, rates, or duties, so by the said in part recited acts imposed on French wine and other wines as aforesaid; and also by another act, made in the twentieth year of the reign of his said present Majesty, (intituled, An act for granting to his Majesty several additional duties upon wines and vinegar imported into this kingdom), it was enacted, That, from and after the tenth day of May, one thousand seven hundred and eighty, over and above all subsidies of tonnage and poundage, and all other subsidies, additional duties, and impositions whatsoever, due and payable for all wines imported into Great Britain by any act or acts of parliament then in force, there should be raised, levied, collected and paid unto his Majesty, his heirs and successors, (before landing thereof), the additional impositions, rates, or duties following, without any discount

Act 18 Geo. 3
c. 27; andAct 19 Geo. 3.
c. 25; andAct 20 Geo. 3.
c. 30; and

count or deduction inwards whatsoever; (that is to say), For every ton of French wine which should be imported into this kingdom, the sum of eight pounds, and so after that rate for any greater or lesser quantity; and also for every ton of all other wines imported into this kingdom, the sum of four pounds, and so after that rate for any greater or lesser quantity; and that the said additional duties thereby granted should be also subject and liable to an additional impost or duty of five pounds per centum, as in the said act is mentioned: and whereas, by virtue of another act, made in the twenty-second year of the reign of his said present Majesty, (intituled, An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in Great Britain), an additional impost or duty, after the rate of five pounds per centum, became charged upon the produce and amount of the said additional impositions, rates, or duties, so by the said in part recited acts imposed on French wine and other wines as aforesaid, except and exclusive of the additional impost or duty of five pounds per centum, commonly called The Impost one thousand seven hundred and seventy-nine, which was granted by an act made in the nineteenth year of his Majesty's reign, (intituled, An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in Great Britain): and whereas it is expedient to repeal the said additional impositions, rates, or duties herein before particularly mentioned, and by the said in part recited acts imposed on French wine and other wines respectively as aforesaid, and also the said additional imposts or duties so charged as aforesaid upon the produce and amount thereof; and in lieu thereof to grant unto his Majesty the several inland duties hereinafter mentioned: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-six, the said additional impositions, rates, or duties hereinbefore particularly mentioned, and by the said in part recited acts imposed on French wine and other wines respectively as aforesaid, and also the said additional imposts or duties so charged as aforesaid upon the produce and amount thereof, shall cease and determine, and be no longer paid or payable, save and except in all cases relating to the recovering any arrears thereof respectively, which may at that time remain unpaid, or to any penalty or forfeiture, penalties or forfeitures, relating thereto respectively, which shall have been incurred upon or at any time before the said fifth day of July, one thousand seven hundred and eighty-six.

II. And be it further enacted by the authority aforesaid, That, from and after the said fifth day of July, one thousand seven hundred and eighty-six, there shall be raised, levied, collected, and paid unto his Majesty, his heirs and successors, over and above all subsidies of tonnage and poundage, and all other subsidies,

Act 22 Geo. 3.
c. 66.

From July 5, 1786, the additional duties on wines before specified to cease,

From July 5, 1786, the following duties to be paid for wines imported.

fubfidies, duties, and impositions whatfoever (not repealed by this act) due and payable for any wine imported into *Great Britain*, by any act or acts of parliament now in force, the feveral inland duties herein-after mentioned; (that is to fay), For every ton of *French* wine, which fhall be imported into *Great Britain*, the fum of thirty-five pounds fourteen fhillings, and fo after that rate for any greater or leffer quantity; and alfo for every ton of all other wines imported into *Great Britain*, the fum of feventeen pounds feventeen fhillings, and fo after that rate for any greater or leffer quantity: provided always, That nothing in this act contained fhall extend, or be conftrued to extend, to make chargeable with the faid duties hereby impofed, or any of them, any wines damaged, corrupt, or unmerchantable, and for which the merchants or importers thereof fhall refufe to pay or fecure the duties, and which, by an act paffed in the twelfth year of the reign of his late majefty King *George* the Firft, (intituled, *An act for the improvement of his Majefty's revenues of customs, excife, and inland duties*), are on fuch refusal directed to be received into the cuftody of the proper officers of the customs, to be publickly fold in order to be diftilled into brandy, or to be made into vinegar.

For French wine, 35l. 14s. per ton:

for other wines, 17l. 17s. per ton.

Not to extend to damaged wines, which are to be fold to make brandy, &c.

III. And be it further enacted by the authority aforefaid, That fuch of the duties by this act impofed as fhall arife in *England*, *Wales*, and the town of *Berwick upon Tweed*, fhall be under the management of the commiffioners of excife in *England* for the time being; and fuch thereof as fhall arife in *Scotland*, fhall be under the management of the commiffioners of excife in *Scotland* for the time being.

Duties to be under the management of the excife.

IV. And be it further enacted by the authority aforefaid, That within twenty days next after the mafter or purfer for that voyage, of the fhip or veffel wherein any foreign wine fhall be imported or brought into this kingdom, fhall have or ought to have made a juft and true entry or report upon oath of the burthen, contents, and lading of fuch fhip or veffel, in purfuanee of the directions of an act made in the thirteenth and fourteenth years of the reign of King *Charles* the Second, (intituled, *An act for preventing frauds and regulating abufes in his Majefty's customs*), the proprietor or proprietors, importer or importers, confignee or confignees, of any fuch foreign wine, fhall make due entry with the collector of excife, in the port or place where fuch wine fhall be fo imported, of all fuch wine, on board of fuch fhip or veffel, belonging to fuch proprietor or proprietors, importer or importers, confignee or confignees, fpecifying in fuch entry, if fuch wine be *French* wine, whether the fame is *French* red wine or *French* white wine, and if fuch wine be foreign wine other than *French* wine, whether the fame is foreign white wine or foreign red wine, not *French*; and fhall then, and before the landing of any fuch wine, fatisfy and pay the duties by this act impofed on fuch wine, and fhall alfo, within fuch twenty days, land all fuch wine; and if fuch proprietor or proprietors, importer or importers, confignee or confignees, fhall neglect

If within 20 days after entry fhould be made of the veffel, according to act 13 & 14 Car. 2. c. 11. due entry of the wine be not made at the port of importation, &c. it may be conveyed to the King's warehoufe, and in three months fold, if the duties, &c. be not paid.

neglect or refuse to make due entry, or to pay fuch duties, or to land any fuch wine within fuch twenty days, it fhall and may be lawful for any officer or officers of the customs or excife to convey fuch wine, together with the casks, bottles, and packages containing the fame, to his Majesty's warehouse or warehouses, for fecurity as well of the faid duties by this act impofed on fuch wine, as alfo all other duties due or payable in refpect of fuch wine; and if as well the faid duties by this act impofed on fuch wine, as all other duties due or payable in refpect of fuch wine, fhall not be fully paid and fatisfied within the fpace of three months from the time fuch wine fhall be fo conveyed to fuch warehouse or warehouses, the faid refpective commissioners of the customs in *England* and *Scotland*, or the major part of them, for the time being (in cafe fuch wine fhall be fo conveyed to fuch warehouse or warehouses by any officer or officers of the customs), and the faid refpective commissioners of excife, or the major part of them, for the time being (in cafe fuch wine fhall be fo conveyed to fuch warehouse or warehouses by any officer or officers of excife), fhall and may caufe fuch wine, casks, bottles, and packages to be publicly fold to the beft bidder, at fuch places as the faid refpective commissioners of the customs or excife, as the cafe may require, fhall think proper, for and towards fatisfying as well the faid duties hereby impofed on fuch wine, as all other duties due or payable in refpect of fuch wine, and alfo the cofts, charges, and expences attending the conveying of fuch wine, casks, bottles, and packages, to fuch warehouse or warehouses, and of the keeping and fale of fuch wine, casks, bottles, and packages; and if the money arifing from the fale thereof fhall be more than fufficient to pay and fatisfy the duties hereby impofed, and all the money due or payable for the custom duties for and in refpect of fuch wine, together with fuch cofts, charges, and expences, the refpective receivers general of the customs in *England* and *Scotland* for the time being (in cafe the faid refpective commissioners of the customs, or the major part of them refpectively, fhall caufe fuch wine to be fold) fhall pay over to the faid refpective commissioners of excife fo much of fuch excefs or furplus as will be fufficient to fatisfy the duties hereby impofed on fuch wine; and the faid refpective commissioners of excife (in cafe they, or the major part of them refpectively, fhall caufe fuch wine to be fold) fhall pay over to the faid refpective receivers general of the customs fo much of fuch excefs or furplus as will be fufficient to fatisfy the money due or payable for the custom duties for or in refpect of fuch wine; and the overplus (if any be) fhall be paid to the proprietor or proprietors, or other person or perfons authorifed to receive the fame: and in cafe the money arifing from the fale of the faid wine fhall not be fufficient to fatisfy the whole of the faid duties hereby impofed on fuch wine, and all the faid custom duties due or payable in refpect of fuch wine, together with fuch cofts, charges, and expences as aforefaid, the faid refpective commissioners of the customs or excife, as the cafe

case may require, shall first discharge and pay all such costs, charges, and expences, and shall divide the residue of such money into two sums of money, in the proportion of three to two; and the said respective commissioners of the customs (in case they, or the major part of them respectively, shall cause such wine to be sold) shall pay over the least of such two sums of money to the said respective commissioners of excise, towards satisfying the duties hereby imposed on such wine; and the said respective commissioners of excise (in case they or the major part of them respectively shall cause such wine to be sold) shall pay over the greatest of such two sums of money to the said respective receivers general of the customs, towards satisfying the money due or payable for the custom duties for or in respect of such wine.

How the money arising from the sale of wines is to be divided when insufficient to pay the whole of the duties.

V. And be it further enacted by the authority aforesaid, That the receipts of the said respective commissioners of excise shall be a sufficient discharge to the said respective receivers general of the customs, for such money as they shall so pay to the said respective commissioners of excise; and the receipts of the said respective receivers general of the customs shall be a sufficient discharge to the said respective commissioners of excise, for such monies as they shall so pay to the said respective receivers general; and such receipts shall severally be allowed by the proper officer or officers, in passing the accounts of the said respective commissioners of excise and receivers general of the customs.

Receipts of the commissioners of excise and customs to be sufficient discharges.

VI. And be it further enacted by the authority aforesaid, That all foreign wine which shall be unshipped, landed, or delivered from or out of any ship, vessel, or boat, before as well the duties hereby imposed, as all other duties payable in respect of such wine, shall be fully paid or secured to be paid, shall be forfeited and lost, together with the casks, bottles, jars, and packages containing the same, and such wine, casks, bottles, jars, and packages, shall and may be seized by any officer or officers of the customs or excise; and if any person or persons shall unship, land, or deliver, or cause or procure to be unshipped, landed, or delivered, or be aiding or assisting in the unshipping, landing, or delivering, from or out of any ship, vessel, or boat, any foreign wine, before as well the said duties hereby imposed, as all other duties payable in respect of such wine, shall be fully paid or secured to be paid, or shall hide or conceal, or cause or procure to be hidden or concealed, any such wine so unshipped, landed, or delivered as aforesaid, or shall receive into his, her, or their hands, custody, or possession, any such wine so unshipped, landed, or delivered as aforesaid, he, she, or they, knowing the same to have been so unshipped, landed, or delivered as aforesaid, such person or persons, and each and every of them, shall, for each and every such offence, forfeit and lose treble the value of such wine, to be estimated according to the best and highest rate and price which wine of the

Wine landed before the duties are paid forfeited; and persons assisting therein, etc. to forfeit treble the value of the wine.

the best quality, of that kind, shall sell for in *London* at the time when such forfeiture shall be incurred.

Wine brought in ships of not more than 60 tons forfeited, with the vessel, unless such wine be for the use of the crew, and not greater in quantity than herein specified.

VII. And be it further enacted by the authority aforesaid, That where any wine shall be imported or brought into *Great Britain*, or into any port, harbour, haven, or creek thereof, from foreign parts, in any ship, vessel, or boat, of the burthen of sixty tons or under, then not only the said wine, but also the said ship, vessel, or boat, in which the same shall be so imported, with all her guns, furniture, ammunition, tackle, and apparel, shall be forfeited and lost, and shall and may be seized by any officer or officers of the customs or excise: provided always, That nothing in this act contained shall extend, or be deemed or construed to extend, to forfeit any wine for being imported or brought into *Great Britain*, or into any port, harbour, haven, or creek thereof, in any ship, vessel, or boat of the burthen of sixty tons, or under, or any such ship, vessel, or boat, for having so imported or brought therein any such wine (provided there be no spirituous liquors on board such ship, vessel, or boat, at the time of such importation or bringing of any such wine), if such wine so imported or brought shall be for the use of the seamen then belonging to and on board such ship, vessel, or boat, and shall not exceed the quantity of two gallons for each such seaman, or in case any spirituous liquors shall, at the time of such importation or bringing of any such wine, be on board such ship, vessel, or boat, for the use of such seamen, and shall be less in quantity than two gallons for each such seaman, if the quantity of wine and spirituous liquors, taken together, be not more than two gallons in the whole for each such seaman.

From July 5, 1786, wholesale dealers in foreign wine, to take out licences, which are to be granted without fees.

VIII. And be it further enacted by the authority aforesaid, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, no person or persons shall deal in or sell foreign wine by wholesale, without first taking out a licence for that purpose, in manner herein-after mentioned, before he, she, or they shall so deal in or sell foreign wine by wholesale; and that if any such licence shall be taken out within the limits of the chief office of excise in *London*, the same shall be granted under the hands and seals of two or more of the commissioners of excise for the time being, or of such person or persons as the said commissioners of excise, or the major part of them, for the time being, shall from time to time appoint for that purpose; but if any such licence shall be taken out in any part of *England* or *Wales*, not within the said limits, or in the town of *Berwick upon Tweed*, the same shall be granted under the hands and seals of the several collectors and supervisors of excise, within their respective collections and districts; and in case any such licence shall be taken out within the limits of the city of *Edinburgh*, the same shall be granted under the hands and seals of two or more of the commissioners of excise in *Scotland*, for the time being, or of such person or persons as the commissioners of excise in *Scotland*,

Scotland, or the major part of them, for the time being, shall from time to time appoint for that purpose; or if any such licence shall be taken out in any other part of *Scotland*, without the said limits of the city of *Edinburgh*, then the same shall be granted under the hands and seals of the several collectors and supervisors of excise in *Scotland*, within their respective collections and districts; and such respective commissioners of excise, or two or more of them, respectively, and the persons so to be appointed by them, or the major part of them, respectively, and also all such collectors and supervisors, are hereby respectively authorised and required to grant such licences, to the persons who shall apply for the same without fee or reward.

IX. And be it further enacted by the authority aforesaid, That no person or persons shall deal in foreign wine by wholesale, after the expiration of twelve months from the time of taking out any such licence as aforesaid, unless such person or persons shall take out fresh licences, in the manner herein-before directed, ten days at least before the expiration of twelve months from the time of taking out such former licence, and so in like manner from year to year; and that if any person or persons shall deal in foreign wine by wholesale, without first taking out such licence, and renewing the same yearly, in manner aforesaid, he, she, or they, shall, for every such offence, forfeit and lose one hundred pounds: provided always, That persons dealing in or selling foreign wine by wholesale, in partnership, and in one house or shop only, shall not be obliged to take out more than one licence in any one year for dealing in or selling foreign wine by wholesale; and that no one licence, which shall be granted by virtue of this act, shall authorize or empower any person or persons to deal in or sell foreign wine in any other warehouse, storehouse, room, shop, cellar, vault, or other place, (other than and except on the lawful quays upon which such wine shall have been first landed, and whilst such wine shall be openly lying on such quays), than such warehouses, storehouses, rooms, shops, cellars, vaults, or other places, whereof entry in writing shall be made at the office of excise, according to the directions of this act, at the time of granting such licence.

X. Provided always nevertheless, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for the said respective commissioners of excise, or the major part of them for the time being, to authorise and empower any auctioneer, duly licensed according to an act, made in the nineteenth year of the reign of his present Majesty, intituled, *An act for altering, amending, and enforcing so much of an act, made in the seventeenth year of the reign of his present Majesty, intituled, An act for granting to his Majesty certain duties on licences to be taken out by all persons acting as auctioneers; and certain rates and duties on all lands, houses, goods, and other things sold by auction, and upon indentures, leases, bonds, deeds, and other instruments, as relates to the method of granting licences to auctioneers,*

Licences to be renewed annually.

Persons selling wine without a licence, forfeit 100l.

One licence sufficient for a partnership in one house.

No licence to authorize the sale of wine in any other than the place of entry.

Commissioners may empower auctioneers to sell foreign wine by auction, on proof of duties paid. 19 Geo. 3. c. 56.

and

and to the collecting the duties on estates and goods fold by auction, to fell by auction, and for fuch auctioneer, fo authorized and im- powered, accordingly to fell by auction, any foreign wine, if it be firft proved to the faid refpective commiffioners, or the ma- jor part of them, that all the duties due or payable in refpect of fuch foreign wine have been fully paid, the examination and proof thereof being left to the judgement of the faid refpective commiffioners, or the major part of them; and fuch auctioneer, fo authorized and empowered, fhall not be liable to any fine, penalty, or forfeiture by this act impofed, for or in refpect of fuch fale.

XI. And be it further enacted by the authority aforefaid, That all and every perfon and perfons to whom any licence for retailing of foreign wine fhall be granted, and who fhall not take out either a licence for retailing fpirituos liquors, or a li- cence for retailing of beer, ale, or other excifeable liquors, fhall be deemed and taken to be a dealer or dealers in foreign wine by wholefale, within the meaning of this act; and if any wine, either foreign wine, or by the perfon or perfons dealing in or felling the fame pretended to be foreign wine, fhall at any time be fold by any fuch perfon or perfons, fuch fale fhall be deemed and taken to be a dealing in and felling foreign wine by whole- fale, within the meaning of this act; and that all and every perfon and perfons having a licence granted to him, her, or them, either for retailing of fpirituos liquors, or for retailing of beer, ale, or other excifeable liquors, fhall be deemed and taken to be a dealer or dealers in foreign wine by retail, within the meaning of this act: provided always, That nothing herein- before contained fhall in anywife be prejudicial to the privileges of the two univerfities in that part of *Great Britain*, called *England*, or either of them, nor to the chancellors or fcholars of the fame or their fucceffors; but that they may ufe and enjoy fuch privileges as they have heretofore lawfully ufed and enjoy- ed, any thing herein contained to the contrary notwithstanding: provided alfo, That nothing herein before contained fhall ex- tend to be prejudicial to the mafter, wardens, freemen, and commonalty of the vintners of the city of *London*, or to any other city or town corporate; but that they may ufe and enjoy fuch liberties and privileges as they have heretofore lawfully ufed and enjoyed: provided nevertheless, That no perfon who fhall be admitted to the freedom of the faid company of vintners of the city of *London* by redemption only, fhall be exempted from the obligation of taking out a licence for felling or uttering wine by retail, but that the freemen only of the faid company who have been already admitted to their freedom, or who fhall be admit- ted to their freedom in right of patrimony or apprenticeship, fhall be entitled to fuch exemption: provided alfo, That no- thing herein before contained fhall in anywife extend to debar or hinder the mayor or burgefles of the borough of *Saint Albans*, in the county of *Hertford*, or their fucceffors, from enjoying, uſing, and exerciſing all fuch liberties, powers, and authorities

to

to them heretofore granted, by several letters patent under the great seal of *England*, by Queen *Elizabeth* and King *James* the First, for the erecting, appointing, and licensing of three several wine taverns within the borough aforesaid, for and towards the maintenance of the free school there; but that the same liberties, powers, and authorities shall be and are hereby established and confirmed, and shall remain and continue in and to the said mayor and burgeses, and their successors, to and for the charitable use aforesaid, and according to the tenor of the letters patent aforesaid, as though this act had never been made; any thing in this act contained to the contrary in anywise notwithstanding: provided always, and be it declared, That nothing herein contained shall extend, or be construed to extend, to exempt any person or persons who shall sell or utter any kind of wine or wines, or any liquor called or reputed *Wine*, by the pint, quart, pottle, or gallon, or by any other greater or less measure, or in bottles in any less quantity than shall be equal to the measure of the cask, or vessel in which the same shall have been, or may lawfully be imported, from taking out a licence for retailing wine in such and the same manner as they now are by law required, and as if this act had never been made.

No person whatsoever to sell wine by the pint, &c. without taking out a licence.

XII. And be it further enacted by the authority aforesaid, That all dealers in and sellers of foreign wine shall make true and particular entry in writing of all warehouses, storehouses, rooms, shops, cellars, vaults, and other places, by him, her, or them respectively made use of for the keeping of wine for sale, at the office of excise within the compass or limits whereof such respective warehouses, storehouses, rooms, shops, cellars, vaults, and other places, shall be situated, on pain of forfeiting the sum of one hundred pounds for every such warehouse, storehouse, room, shop, cellar, vault, or other place, which shall be so made use of by any such dealer or dealers, or seller or sellers, without having made such entry as aforesaid, together with all wine that shall be found therein, and also the casks, jars, bottles, vessels, and packages whatsoever, containing such wine: provided always, That nothing in this act contained shall extend, or be deemed or construed to extend, to make any dealer or dealers in, or seller or sellers of, foreign wine by wholesale, liable to the said penalty of one hundred pounds, for or by reason of any sale of any foreign wine, whilst the same shall be lying openly on the lawful quays on which such wine shall have been first landed.

Entry to be made of all warehouses, &c. on penalty of 100l. and forfeiture of the wine therein.

XIII. And be it further enacted by the authority aforesaid, That where any entry shall be made by any dealer or dealers in, or seller or sellers of, foreign wine, of any warehouse, storehouse, room, shop, cellar, vault, or other place, for the keeping of wine for sale, no other dealer or dealers in, or seller or sellers of wine, not being in partnership with such dealer or dealers, or seller or sellers, making such first entry, shall, on any pretence whatsoever, make entry of the same, or of any other warehouse, storehouse, room, shop, cellar, vault, or other place whatsoever, within the same house or tenement in which such first entry shall then

Exception.

Persons making entry of places already entered, to be deemed dealers without entry, &c.

then be existing; but every fuch dealer or dealers, or feller or fellers, making fuch further entry of the fame, or any other fuch warehouse, ftorehoufe, fhop, room, cellar, vault, or other place, in fuch fame houfe or tenement, fhall, notwithstanding fuch further entry by him, her, or them made, be deemed and taken to be a dealer in foreign wine without entry, and fhall be fubject to the like penalties and forfeitures as dealers in foreign wine without entry are fubject unto by virtue of this act.

Every place for keeping or felling wine muft have thereon the words dealer in foreign wine, on penalty of fol.

XIV. And be it further enacted by the authority aforefaid, That all and every dealer and dealers in, and feller and fellers of, foreign wine by wholefale, fhall caufe to be painted or written, in large legible characters, over the outer door, or in the front or on fome conspicuous part of each and every houfe, warehouse, ftorehoufe, room, fhop, cellar, vault, and other place, by him, her, or them refpectively made ufe of for the keeping of foreign wine for fale, the words *Dealer in Foreign Wine*, upon pain of forfeiting, for every fuch houfe, warehouse, ftorehoufe, room, fhop, cellar, vault, or other place which fhall be fo made ufe of by any fuch dealer or dealers in, or feller or fellers of, foreign wine refpectively, without having the faid words painted or written as is hereby directed, the fum of fifty pounds.

Persons putting thofe words, on unentered places, to forfeit rool. &c.

XV. And be it further enacted by the authority aforefaid, That if any perfon or perfons whatfoever, other than fuch as fhall have duly made entry at the proper offices of excife of the places by them refpectively made ufe of for keeping foreign wine for fale, fhall paint or write, or caufe to be painted or written, over the door, or in the front of any place to them refpectively belonging, the words *Dealer in Foreign Wine*, every perfon and perfons refpectively offending therein fhall forfeit and lofe the fum of one hundred pounds, and fhall alfo be fubject to the feveral penalties and forfeitures to which perfons felling of, or dealing in, foreign wine without entry are fubjected to by virtue of this act.

An account of the wine in ftore on July 5, 1786, to be delivered at the next office of excife, within three days, or the fame to be forfeited.

XVI. And be it further enacted by the authority aforefaid, That all dealers in, and fellers of, foreign wine fhall, on the fifth day of *July*, one thoufand feven hundred and eighty-fix, or within three days then next enfuing, deliver, or caufe to be delivered, at the office of excife within the limits whereof their refpective warehouses, ftorehoufes, rooms, fhops, cellars, vaults, and other places, by him, her, or them made ufe for keeping wine for fale, fhall be fituated, a juft, true, and particular account in writing of the quantity of all the foreign wines which fhall, on the faid fifth day of *July*, be or have been in the cuftody or poffeffion of any fuch dealer or dealers in, or feller or fellers of, foreign wine, diftinguifhing fuch foreign wines from each other, according to the true denominations thereof, under the following descriptions of *French* red wine, and *French* white wine, in cafe the fame be *French* wine, and of foreign red wine not *French*, and foreign white wine not *French*, in cafe the fame fhall be foreign wine, other than *French* wine, on pain of forfeiting, for every neglect to deliver or caufe to be delivered fuch account, all fuch

ſuch foreign wine whereof no ſuch account ſhall be ſo delivered, together with the caſks, bottles, jars, veſſels, and packages, containing the ſame; and ſuch foreign wine, caſks, bottles, jars, veſſels, and packages, ſo forfeited, ſhall and may be ſeized by any officer or officers of exciſe; all wine in bottles to be ſo accounted for without expreſſing the number of gallons which they contain.

XVII. And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the officers of exciſe, or any or either of them, from time to time, and at all times, by day and by night, upon his or their requeſt, (but if in the night, in the preſence of a conſtable or other officer of the peace), to enter into all and every the warehouſes, ſtorehouſes, rooms, ſhops, cellars, vaults, and other places made uſe of by any dealer or dealers in, or ſeller or ſellers of, foreign wine, whether by wholeſale or by retail, for keeping wine, and by taſting, gauging, or otherwiſe, to take an account of the quantity and quality of all the wine and other liquors which ſhall at any time be in his, her, their, or any of their cuſtody, in caſk, or in any veſſel or veſſels except bottles; and alſo to take an account of the wine or other liquors which ſhall at any time be in his, her, or their cuſtody, in bottles, in any other manner than by taſting the ſame, or by uncorking or opening the bottles containing ſuch wine.

Officers may at all times, enter warehouſes, &c. to take an account of ſtock.

XVIII. Provided always, and be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the officers of exciſe, or any or either of them, and they are hereby authorized and impowered to take, at any time or times, a ſample or ſamples of foreign wine, whether in bottles or in caſk, or in any other veſſel or veſſels, paying for the ſame, for every quart of wine, the uſual price thereof; and in caſe any dealer or dealers in, or ſeller or ſellers of, foreign wine, or any workman or ſervant to him, her, or them belonging, ſhall reſuſe to permit ſuch officer or officers to take ſuch ſample or ſamples as aforeſaid, upon his, or their offering to pay for the ſame after the rate aforeſaid, or ſhall anywiſe obſtruct or hinder him or them in taking ſuch ſample or ſamples, ſuch dealer or dealers in, or ſeller or ſellers of, foreign wine, ſhall, for each and every ſuch offence, forfeit and loſe the ſum of one hundred pounds.

Officers to be permitted to take ſamples on paying for the ſame, on penalty of 100l.

XIX. And be it further enacted by the authority aforeſaid, That all dealers in and ſellers of foreign wine, who ſhall have or receive into their cuſtody any foreign wine, ſhall, from time to time, diſtinctly mark in the moſt conſpicuous part of each and every caſk, jar, bottle, and other veſſel capable of containing above the quantity of three gallons, and in which they ſhall keep any foreign wine, the number of gallons which ſuch caſk, jar, bottle, and other veſſel is capable of containing, and alſo the ſort of ſuch wine then kept or contained therein, ſpecifying, if it be *French* wine, whether the ſame is *French* red wine or *French* white wine; and, if the ſame be foreign wine other than *French*

The quality and quantity of wine to be marked on all veſſels, containing more than 3 gallons, or to be forfeited.

wine, whether the same is foreign red wine, or foreign white wine, on pain of forfeiting such wine as shall at any time be kept or contained in any such cask, jar, bottle, and other vessel, together with such cask, jar, bottle, and other vessel containing such wine; and all such wine, together with such cask, jar, bottle, or other vessel, shall and may be seized by any officer or officers of excise.

Casks and places for keeping wine to be shewn to the officer, or the wine to be forfeited.

XX. And be it further enacted by the authority aforesaid, That every dealer or dealers in, or seller or sellers of, foreign wine, is and are hereby required to shew to the officer of excise under whose survey he, she, or they shall then be, each and every cask, vessel, and utensil capable of containing above the quantity of three gallons, and every bin, or other place, in which he, she, or they shall keep any foreign wine, on pain of forfeiting all such wine as shall at any time be found in any such cask, vessel, utensil, and bin, or other place, used for keeping of wine, which has not been so shewn to such officer as aforesaid, together with such cask, vessel, or utensil; and such cask, vessel, or utensil, so forfeited, together with such wine found therein, shall and may be seized by any officer or officers of excise; and such officer shall mark such casks, vessels, utensils, bins, or other place, used for keeping of wine, so shewn to him, or any or either of them, with a particular, distinct and durable mark; and if any person or persons whatsoever shall, at any time after any such bin, cask, vessel, or utensil shall have been so marked by such officer as aforesaid, rub out or deface any such mark so fixed upon any such cask, vessel, utensil, or bin, or other place, used for keeping of wine, by such officer as aforesaid, he, she, or they shall, for every such offence, forfeit and lose the sum of fifty pounds.

Marks on casks, &c. made by the officer, not to be defaced, on penalty of 5*l*.

No bin, &c. containing more than 3 gallons, to be erected, enlarged, or used, without notice being given to the excise, on penalty of 5*l*.

XXI. And be it further enacted by the authority aforesaid, That no dealer or dealers in, or seller or sellers of, foreign wine shall, without notice first thereof given at the office of excise, within the compass or limits whereof his, her, or their respective warehouses, storehouses, rooms, shops, cellars, vaults, and other places shall be situated, erect or set up any vessel, utensil, or other convenience for keeping or containing wine, and capable of containing above the quantity of three gallons, or alter or enlarge any bin, vessel, or utensil for keeping or containing wine, and capable of containing above the quantity of three gallons, which is already erected or set up, or shall hereafter be erected or set up, or shall have or keep any bin, vessel, or utensil for keeping or containing wine, and capable of containing above the quantity of three gallons, other than such as are openly kept and used in his, her, or their entered warehouse, storehouse, room, shop, cellar, vault, or other place made use of by him, her, or them for keeping of foreign wine, and discovered and known to the officer of excise under whose survey such dealer or dealers, or seller or sellers, shall then be, on pain to forfeit and lose, for every such bin, vessel, or utensil so erected or set up, or hereafter

hereafter to be erected or ſet up, or altered or enlarged, or kept, without ſuch notice given as aforeſaid, or without being ſo diſcovered and known, the ſum of fifty pounds.

XXII. And be it further enacted by the authority aforeſaid, That all and every dealer and dealers in, and ſeller and ſellers of, foreign wine by wholeſale, ſhall, before he, ſhe, or they ſhall begin to draw off or bottle any foreign wine, give to the officer of exciſe, under whoſe ſurvey ſuch dealer or dealers, or ſeller or ſellers ſhall then be, ſix hours notice in writing, within the limits of the chief office of exciſe in *London*, and twelve hours notice in writing in other places in *Great Britain*, of his, her, or their intention to draw off or bottle any foreign wine, and of the time when, and the particular warehouse, ſtorehouſe, room, ſhop, cellar, vault, or other place, in which ſuch foreign wine is intended to be drawn off or bottled, and the quantity thereof, and into how many caſks, bottles, or other veſſels the ſame is intended to be drawn off or bottled; and if ſuch wine, ſo intended to be drawn off or bottled, be *French* wine, whether the ſame is *French* red wine or *French* white wine; or, if ſuch wine, ſo intended to be drawn off or bottled, be not *French* wine, whether the ſame is foreign red wine, not *French*, or foreign white wine, not *French*, and from what particular caſk or other veſſel, or caſks or other veſſels, ſuch wine is ſo intended to be drawn off or bottled; and ſuch officer ſhall, if he ſhall deem it expedient ſo to do, attend to ſee ſuch foreign wine drawn off or bottled, and the ſame ſhall be drawn off or bottled in the preſence of ſuch officer, if he ſhall attend purſuant to ſuch notice; and ſuch wine ſhall alſo be packed or piled in the preſence of the officer of exciſe under whoſe ſurvey ſuch dealer or dealers, or ſeller or ſellers, ſhall then be, or, in default of the ſame being packed or piled in the preſence of ſuch officer, ſuch dealer or dealers, or ſeller or ſellers, ſhall, immediately upon ſuch wine being drawn off or bottled as aforeſaid, or in caſe the officer ſhall not be then preſent, then upon ſuch officer's next ſurvey, make to ſuch officer a declaration into what particular bin, or in what particular part of his warehouses, ſtorehouſes, rooms, ſhops, cellars, vaults, or other entered places, ſuch wine is intended to be, or ſhall have been, packed, piled, or depoſited, and when ſuch dealer or dealers, or ſeller or ſellers, intends or intend to pack, pile, or depoſit the ſame, according to ſuch declaration, and ſuch wine ſhall be piled or depoſited according to ſuch declaration; and no foreign wine ſhall be removed from the bin or place in which the ſame ſhall be packed, piled, or depoſited, according to the directions of this act, into any other bin or place, in any ſuch warehouses, ſtorehouſes, rooms, ſhops, cellars, vaults, or other entered places, before ſuch dealer or dealers, or ſeller or ſellers, ſhall have given to ſuch officer ſix hours notice in writing, within the limits of the ſaid chief office, and twelve hours notice in writing, in other places in *Great Britain*, of his, her, or their intention ſo to remove the ſame, and of the particular bin or place, in any ſuch warehouses, ſtorehouſes, rooms, ſhops, cellars, vaults, or other entered

Notice to be given of an intention to draw off wine, with the quantity, that the officer may attend; and declaration to be made of the place where it is to be depoſited.

No wine to be removed without notice.

Penalty on bottling wine, &c. without giving due notice.

Persons not liable to penalty for a small difference in the number of bottles drawn off, and in the notice.

If wine be not begun to be bottled off, within an hour after the time mentioned, the notice to be void.

Wine may be drawn off at any time to be sent out immediately.

entered places, to which the same is intended so to be removed; and if any such dealer or dealers in, or feller or sellers of, foreign wine, shall begin to draw off or bottle any such foreign wine, without giving such notice as is in that behalf herein-before directed to be given, or, in default of such wine being packed or piled in the presence of such officer as aforesaid, shall neglect to make such declaration as aforesaid, or to pack, pile, or deposit such wine according to such declaration, or shall remove any foreign wine from the bin or place in which the same shall be packed, piled, or deposited, according to the directions of this act, into any other bin or part of any such warehouses, storehouses, rooms, shops, cellars, vaults, or other entered places, without giving such notice as is in that behalf herein-before directed to be given, he, she, or they shall, for every such offence, forfeit and lose the sum of fifty pounds: provided always, That nothing in this act contained shall extend, or be deemed or construed to extend, to make any dealer or dealers in, or feller or sellers of, foreign wine liable to the said penalty of fifty pounds, for or by reason of his drawing off or bottling any foreign wine into a number of bottles more or less, by a small quantity, than shall be specified, in such notice herein-before directed to be given, as the number of bottles into which such wine was intended to be drawn off or bottled: provided also, That if any dealer or dealers in, or feller or sellers of, foreign wine by wholesale, so intending to draw off or bottle such foreign wine, shall not begin and proceed to draw off or bottle such wine at the time mentioned in such notice in that behalf herein-before directed, or within one hour after such time, then such notice shall be void, and such dealer or dealers, or feller or sellers, so intending to draw off or bottle such wine, shall give a fresh notice to such officer or officers of the time when, and the particular warehouse, storehouse, room, shop, cellar, vault, or other place in which such wine is intended to be drawn off or bottled, and the quantity thereof, and into how many casks, bottles, jars, or other vessels, the same is intended to be drawn off or bottled; and, if such wine so intended to be drawn off or bottled be *French* wine, whether the same is *French* red wine or *French* white wine, or, if such wine so intended to be drawn off or bottled be not *French* wine, whether the same is foreign red wine or foreign white wine, and from what particular cask, jar, or other vessel, casks, jars, or other vessels, such wine is so intended to be drawn off or bottled: provided always, nevertheless, That nothing in this act contained shall extend, or be deemed or construed to extend, to make it unlawful to or for any dealer or dealers in, or feller or sellers of, foreign wine by wholesale, to draw off or bottle any foreign wine, at his, her, or their free will and pleasure, for the purpose of immediately sending out the same, without giving such notice to the officer of excise under whose survey such dealer or dealers, or feller or sellers, shall then be, of his, her, or their intention to draw off or bottle such foreign wine; but that it shall and may be lawful to and for any such dealer or

dealers, or feller or fellers, to draw off or bottle any foreign wine, at his, her, or their free will and pleasure, for the purpose of immediately sending out the same, without giving such notice to the officer of excise under whose survey such dealer or dealers, or feller or fellers, shall then be, of his, her, or their intention to draw off or bottle such foreign wine, without being liable to the said penalty of fifty pounds for drawing off or bottling such foreign wine without giving such notice as is herein-before directed to be given; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

XXIII. And be it further enacted by the authority aforesaid, That all and every dealer and dealers in, and feller and fellers of, foreign wine, shall keep all *French* red wine, in his, her, or their custody or possession, separate and apart, and in separate bins, casks, bottles, jars, vessels, utensils, piles, parcels, and divisions, from all other wine; and shall also, in like manner, keep all *French* white wine, in his, her, or their custody or possession, separate and apart, and in separate bins, casks, bottles, jars, vessels, utensils, piles, parcels, and divisions, from all other wine; and shall also, in like manner, keep all foreign red wine, (other than *French* wine) in his, her, or their custody or possession, separate and apart, and in separate bins, casks, bottles, jars, vessels, utensils, piles, parcels, and divisions, from all other wine; and shall also, in like manner, keep all foreign white wine (other than *French* wine) in his, her, or their custody or possession, separate and apart, and in separate bins, casks, bottles, jars, vessels, utensils, piles, parcels, and divisions, from all other wine, upon pain of forfeiting, for every such offence, the sum of fifty pounds.

Different sorts of wines to be kept separate on penalty of fool.

XXIV. And be it further enacted by the authority aforesaid, That all dealers in, and fellers of, foreign wine, otherwise than by wholesale, who shall have or receive into his, her, or their custody, any cyder, spirituous liquors, or other liquors, shall keep the same separate and apart from foreign wine, upon pain of forfeiting the sum of ten shillings for every gallon of cyder, spirituous liquors, or other liquors, which shall not be so kept separate and apart from foreign wine, together with all such foreign wine, cyder, spirituous liquors, and other liquors, and the casks, bottles, jars, vessels, and other packages containing the same; and such foreign wine, cyder, spirituous liquors, and other liquors, casks, bottles, jars, vessels, and packages, shall and may be seized by any officer or officers of excise.

Penalty on retail dealers not keeping cyder, &c. in separate places from foreign wines.

XXV. And be it further enacted by the authority aforesaid, That no dealer or dealers in, or feller or fellers of, foreign wine, shall have in his, her, or their custody or possession, any *British*-made wine or sweets, on pain of forfeiting all such *British*-made wine or sweets which shall be at any time found in the custody or possession of such dealer or dealers, or feller or fellers, and also the sum of ten shillings for every gallon of such *British* wine or sweets, and so in proportion for any greater or lesser quantity: provided always, That nothing herein contained shall extend, or

Dealers in foreign wine not to have sweets in their possession, on penalty of forfeiture, &c. but not to extend to the quantity in hand, on July

5. 1786, which may be fold before Dec. 1, 1786.

be deemed or construed to extend, to prevent any dealer or dealers in, or feller or fellers of, foreign wine, from having in his, her, or their custody or possession, or from selling, at any time before the first day of *December*, one thousand seven hundred and eighty-six, any *British-made* wines or sweets, which he, she, or they, shall really and *bona fide* have in his, her, or their custody or possession, at the time of the delivery of such account of the quantity of the foreign wines in the custody or possession of such dealer or dealers, or feller or fellers, at the excise office, as is herein-before directed.

An account to be kept of the quantity of wine daily sold.

XXVI. *And, for the better ascertaining the quantities of foreign wine which shall from time to time be sold by dealers in, and fellers of, foreign wine,* be it enacted by the authority aforesaid, That all such dealers in, and fellers of, foreign wine, shall from time to time keep an account of all foreign wine which they, or any of them, respectively shall sell, send out, or consume in each day, in small quantities under three gallons, expressing the number of gallons or bottles so sent out or consumed; and shall every day enter into a book, to be kept for that purpose, an account of the gross quantities of the said foreign wine which have been by him, her, or them respectively, so sold, sent out, or consumed, in the preceding day, in small quantities under three gallons; and such dealers in, or fellers of, foreign wine, shall also keep one other book, wherein they shall respectively enter each parcel of foreign wine of the quantity of three gallons or more, which they shall respectively sell or send out in each day, expressing the number of gallons or bottles so sold or sent out; which said parcels of foreign wine, of the quantity of three gallons or more, shall not be removed out of the respective fellers custody without a permit, signed by the proper officer or officers of excise, expressing the quantity of all such foreign wines, distinguishing in such permit such foreign wines from each other, according to the denominations thereof specified in the request note, according to the directions of this act, and expressing the name and names of the person or persons so selling or sending out, and of the person or persons to whom the same is intended to be sent, and the place, to which the same is intended to be carried, and that the duties by this act charged on such foreign wines were paid, or that the said foreign wines were condemned as forfeited, or were part of the stock in hand of some person or persons, expressing his, her, or their name or names, of which an account had been taken in pursuance of this act; which said books shall be, and are hereby directed to be prepared for the making such entries as aforesaid, and delivered, upon demand, unto such dealers in, and fellers of, foreign wine respectively, by the said respective commissioners of excise, or such person or persons as they the said commissioners, or the major part of them, shall for that purpose direct and appoint: provided always, That no such dealer or dealers, or feller or fellers, shall have in his, her, or their custody more than one such book of each sort at a time, and when the said books in their custody shall be filled up,

The quantity of three gallons not to be removed without a permit.

Entry books to be provided by the excise, and when filled up, to be returned to the officer, verified on oath.

the fame shall from time to time be feverally returned to the refpective officers from whom the fame was refpectively received, and the truth of the entries made therein shall be verified upon the oath of fuch dealer or dealers, or feller or fellers, or his, her, or their fervant or fervants who kept the fame, and made the entries therein, according to the beft of his, her, or their knowledge and belief (which oath fuch refpective officers are hereby authorized to adminifter), and one or more new book or books shall thereupon be delivered to fuch refpective dealers in, or fellers of, foreign wine, in the room of fuch book or books fo returned, and fo *toties quoties*, as often as fuch book or books shall be filled up with fuch entries; which faid books, fo kept by fuch refpective dealers or fellers, shall from time to time lie open to be perufed by the officer of excife under whole furvey fuch refpective dealers in and fellers of foreign wine (shall then be, the better to enable them to keep their ftocks of the increafe and decreafe of fuch foreign wine; and that fuch dealers in and fellers of foreign wine shall, immediately upon every request of the officer of excife under whole furvey fuch refpective dealers in and fellers of foreign wine shall then be, fill up fuch book and books refpectively with the quantities by them fold in each day: provided always, That if any fuch dealer or dealers, feller or fellers, shall neglect or refuse to keep fuch books, and make fuch entries therein, or to permit the officer or officers of excife, under whole furvey fuch refpective dealers or fellers shall then be, to infpect them, or not return the faid books, or not fill up fuch books on request as aforefaid, according to the directions of this act, or shall make any falfe entry in fuch book or books, he, fhe, or they shall, for every fuch offence, forfeit and lofe the fum of twenty pounds.

Entry books to lie open for the infpection of the officer.

Penalty on not keeping books, &c.

XXVII. And be it further enacted by the authority aforefaid, That if any officer or officers of excife shall at any time or times difcover or find, that the quantity of *French red wine*, *French white wine*, foreign red wine (other than *French red wine*) or foreign white wine (other than *French white wine*) in the ftock of any dealer or dealers in or feller or fellers of foreign wine by wholefale, added to the quantity for which permits shall have been granted fince the laft account was taken of fuch ftock, and alfo to the quantity or quantities fold, fent out, or confumed in fmall quantities under three gallons fince fuch laft account was taken, and for which proper entries shall appear to be made in the book herein-before directed to be kept for entering therein fuch wine as shall be fold, confumed, or fent out in fmall quantities under three gallons, according to the directions of this act, exceeds the ftock left in hand on the taking of fuch laft account, added to the quantity of fuch wine fince received by permit, the quantity of wine fo found in excefs, by whatever liquor the fame shall have been made, and whether the fame shall be mixed or mingled, or unmixed or unmingled, fhall be deemed and taken to be made by foreign wine for which no duty has been paid, and which had been privately brought in by fuch dealer or

If an excefs in a ftock of wine be found, it is forfeited and alfo double its value.

dealers, or feller or fellers, without permit; and a quantity equal to the quantity of wine fo found in excefs fhall be forfeited and loft, and fhall and may be feized and taken by the officer or officers of excife who fhall difcover the fame, from and out of the faid ftock or ftocks in which fuch quantity of wine fhall be fo found in excefs, and the perfon or perfons in whofe ftock fuch quantity of wine fo found in excefs fhall be difcovered or found, fhall alfo forfeit double the value of the quantity of wine fo found in excefs.

Not to extend to an excefs occafioned by receiving wine from any lawful quay.

XXVIII. Provided always, and be it further enacted, That nothing in this act contained fhall extend, or be deemed or conftrued to extend, to forfeit any part of fuch ftock or ftocks, or to make any perfon or perfons liable to the faid penalty of double the value of fuch wine fo found in excefs, for or by reafon of any fuch quantity of wine found in excefs, if fuch excefs fhall arife and be occafioned wholly from wine which fhall have been lawfully received into fuch ftock, fince fuch laft account was taken, directly from any lawful quay or quays on which the fame fhall have been firft landed, and fhall not exceed the importation guage of fuch wine more than two gallons upon each ton thereof; and if fuch wine fhall alfo then be, and continue in the original cask, vefTel, or package in which the fame was imported, and no part thereof drawn off or taken out from fuch cask, vefTel, or package; any thing herein-before contained to the contrary thereof in anywife notwithstanding.

Cyder, &c. found in the poffeffion of a wholefale dealer, to be deemed fo- reign wine.

XXIX. And be it further enacted by the authority aforefaid, That all cyder, sweets, *British*-made wine, mead, fpirituous liquors, and other liquors whatfoever, which at any time fhall be found in the warehouses, ftorehoufes, rooms, fhops, cellars, vaults, and other places, of any dealer or dealers in, or feller or fellers of, foreign wine by wholefale, entered for the keeping or felling wine, fhall be deemed and taken to be foreign wine, within the meaning of this act, of the fame fort and denomination as the wine with which the fame fhall be kept, or if kept feparate from any wine, then the fame fhall be deemed and taken to be *French* red wine.

Permits to be given without fee.

XXX. And be it further enacted by the authority aforefaid, That where any dealer or dealers in or feller or fellers of foreign wine by wholefale, duly licensed according to the directions of this act, fhall have occafion to remove fuch wine from any fuch entered warehouse, ftorehoufe, room, fhop, cellar, vault, or other place, the officer or officers of excife of the refpective divifions or places where fuch entered warehouse, ftorehoufe, room, fhop, cellar, vault, or other place, fhall be fituated, fhall, without fee or reward, from time to time, upon a request note being made and delivered, according to the directions of this act, by fuch dealer or dealers, or feller or fellers, grant and give a permit in writing, figned by the faid refpective officer or officers, expreffing the quantity of all fuch wine fo to be removed, diftinguifhing in fuch permit fuch foreign wines from each other, according to the denominations thereof fpecified in the request

note,

note, according to the directions of this act, and expreffing the name and names of the perfon or perfons from whom the fame is intended to be removed, and to whom the fame is to be removed, and that the duty of fuch wine, fo intended to be removed, has been paid, or that the fame hath been condemned as forfeited, or was part of the ftock of fome dealer or dealers in or feller or fellers of foreign wine by wholefale, of which an account has been delivered at the office of excife purfuant to this act; and all officers of excife, granting or giving fuch permits, fhall limit and exprefs, in fuch permits, the time within which the faid wine, in fuch permits mentioned, fhall be removed from and out of the ftock of the perfons taking out fuch permits, and alfo the time within which the faid wine fhall be delivered and received into the warehouses, ftorehoufes, rooms, fhops, cellars, vaults, or other places, of the perfon or perfons refpectively to whom the fame is fo permitted to be fent.

XXXI. And be it further enacted by the authority aforefaid, That no fuch permit for the removal of any foreign wine fhall be granted, or be valid, unlefs fuch dealer or dealers, or feller or fellers of foreign wine, requiring the fame, fhall make and fend, or deliver, to the officer or officers of excife hereby authorized to grant fuch permit, a request note, in writing, fpecifying the name of the perfon to whom fuch wine is intended to be fent, the quantity of each fort of fuch foreign wine intended to be removed, and for the removal of which fuch permit is required, and, if fuch wine be *French* wine, whether the fame is *French* red wine or *French* white wine, or, in cafe fuch wine is not *French* wine, whether the fame is foreign red wine not *French*, or foreign white wine not *French*, and alfo the number and contents of the casks, bottles, jars, or veffels, containing the fame, and likewise whether the fame is to be removed by land or by water, and by what mode of conveyance fuch wine is intended to be fent; and all fuch wine, which fhall be removed under a description not conformable to this act, or under a falfe description, together with the casks, bottles, jars, veffels, and other packages containing the fame, and the horfes, cattle, carts, boats, barges, and other carriages ufed in the removal or carriage thereof, fhall be forfeited and loft, and fhall and may be feized by any officer or officers of excife.

Permit not to be granted, unlefs the request contains the quantity to be removed, &c.

Wine removed contrary to this act feizable, &c.

XXXII. And be it further enacted by the authority aforefaid, That no wine fhall be brought into any warehoule, ftorehoufe, room, fhop, cellar, vault, or other place, made ufe of by any dealer or dealers in or feller or fellers of foreign wine, without an authentick permit, granted and given according to the directions of this act, which permit fhall be produced to and left with the officer of excife under whole furvey fuch dealer or dealers, or feller or fellers, fhall then be, on pain of forfeiting all fuch wine fo brought in without fuch permit, together with the casks, bottles, jars, veffels, and packages containing the fame, and fuch wine, with the casks, bottles, jars, veffels, and packages

Wine brought into a warehoule, etc. without a permit to be forfeited, etc.

packages containing the same, shall and may be seized by any officer or officers of excise.

Permits to be granted for the removal of wine belonging to private persons, but if removed contrary hereto, forfeited.

XXXIII. And be it further enacted by the authority aforesaid, That where any person or persons, not being a dealer or dealers in or seller or sellers of foreign wine, either by wholesale or by retail, shall have occasion to remove any foreign wine from any part of this kingdom to any other part thereof, it shall and may be lawful to and for the officer or officers of excise of the respective divisions or districts in which the place from whence such wine is intended to be removed shall be situate, upon such person or persons, or his, her, or their known servant or servants, proving to the satisfaction of the said respective commissioners of excise, or of the collector or supervisor of excise of the collection or district in which the place from whence such wine is intended to be removed is situate, that all the duties for such wine have been fully paid, and upon a request note, in writing, made and sent, or delivered, to such officer or officers of excise authorised to grant a permit thereupon, under and by virtue of this act, specifying the quantity of each sort of such foreign wine intended to be removed, and for the removal of which such permit is required, and, if such wine be *French* wine, whether the same is *French* red wine, or *French* white wine, or, in case such wine is not *French* wine, whether the same is foreign red wine not *French*, or foreign white wine not *French*, and also the number and contents of the casks, bottles, jars, or vessels containing the same, and likewise whether the same is to be removed by land or by water, and by what mode of conveyance such wine is intended to be sent, to give and grant, without fee or reward, a permit or permits in writing, signed by such officer or officers, expressing the quantity of such wine so to be removed, distinguishing in such permit such foreign wines from each other, according to the denominations thereof specified in such request note, according to the directions of this act, and expressing the name and names of the person or persons from whom the same is intended to be removed, and to whom the same is to be removed, and that the duty of such wine, so intended to be removed, has been paid, or that the same hath been condemned as forfeited, or was part of the stock of some dealer or dealers, or seller or sellers of foreign wine by wholesale, of which an account has been delivered at the office of excise, pursuant to this act; and all officers of excise, granting or giving such permit or permits, shall limit and express therein the time within which such wine, in such permit or permits mentioned, shall be removed from and out of the possession of the persons taking out such permit or permits, and also the time within which such wine shall be delivered and received into the possession of the person or persons respectively to whom the same is so permitted to be sent; and all such foreign wine, which shall be removed under a description not conformable to this act, or under a false description, together with

with the casks, bottles, jars, veffels, and other packages containing the fame, and the horfes, cattle, carts, boats, barges, and other carriages ufed in the removal or carriage thereof, fhall be forfeited and loft, and fhall and may be feized by any officer or officers of excife.

XXXIV. And be it further enacted by the authority aforefaid, That no foreign wine exceeding the quantity of three gallons, fhall be removed or carried from any part of this kingdom to another, by land or by water, without being accompanied with a proper permit from fome or one of the officers of excife, according to the direCTIONS of this act, on pain of forfeiting the wine which fhall be found removing or carrying, or removed or carried from one part of this kingdom to another, without fuch permit as aforefaid, together with the casks, bottles, jars, veffels, and packages containing the fame, and the horfes, cattle, boats, barges, and other carriages ufed in fuch removal or carriage thereof.

Wine exceeding 3 gallons, forfeited, if found removing without permit.

XXXV. And be it further enacted by the authority aforefaid, That in cafe any fuch wine mentioned or fpecified in any fuch permit, fhall be removed or fent away from or out of the warehouses, storehouses, rooms, fhops, cellars, vaults, and other places, of the perfon or perfons to whom any fuch permit fhall be granted, within the time expreffed and limited therein, and fuch wine fhall not, within the time limited and expreffed in fuch permit, be actually delivered and received into the warehouses, storehouses, rooms, fhops, cellars, vaults, and other places of the perfon or perfons to whom the fame is by fuch permit authorized to be fent, then, and in every fuch cafe, all fuch wine fo removed or fent away as aforefaid fhall be deemed and taken to be wine removed without permit, unlefs it be proved, to the fatisfaction of the faid refpective commiffioners of excife, that fuch wine, through unavoidable accident, could not have been fo delivered and received.

Wine removed, and not delivered in time limited, to be deemed as removing without a permit;

XXXVI. Provided always, and be it further enacted, That if any fuch wine, casks, bottles, jars, veffels or packages, fhall be feized as forfeited, under and by virtue of the next preceding claufe, the fame fhall be reftored and delivered up without delay by the officer or officers feizing the fame, to the perfon or perfons having the charge or cuftody thereof at the time of fuch feizure, if fuch perfon or perfons fhall and do, before any one of his Majefty's juftices of the peace refiding near to the place where fuch feizure fhall be made, enter into a recognizance, with one or more other fufficient furety, to be approved of by fuch juftice of the peace, to his Majefty, his heirs, and fucceffors, in double the value of fuch feizure (which recognizance fuch juftice is hereby authorized and required to take), with condition to prove, within one month then next enfuing, to the fatisfaction of the faid refpective commiffioners of excife, that fuch wine, through unavoidable accident, could not have been fo delivered and received, and upon fuch recognizance being entered into, fuch juftice of the peace fhall certify, upon the back

but fuch wine fhall be reftored, on a recognizance being entered into, to prove it could not be delivered in time.

back of the permit accompanying fuch wine, that a recognizance has been entered into in purfuance of this act, and fhall alfo, by indorfement on fuch permit, allow fuch further time, as to him fhall feem meet, for fuch wine to be delivered and received into the warehouses, ftorehoufes, rooms, fhops, cellars, vaults, and other places of the perfon or perfons to whom the fame was by fuch permit authorized to be fent; and fuch indorfement fhall, during fuch further time, be of the fame force and effect as a permit granted according to the direCTIONS of this act; and fuch juftice fhall, and he is hereby required forthwith to tranfmit every fuch recognizance to the King's remembrancer in the courts of exchequer in *England* and *Scotland* refpectively.

If wine be not fent away by wholefale dealers agreeable to permits, they muft be returned, on penalty of treble the value;

XXXVII. And be it further enacted by the authority aforefaid, That if any permit or permits fhall be granted by any officer or officers of excife, to any dealer or dealers in or feller or fellers of foreign wine, for the removal of any foreign wine from one place to another, and if, within the times limited in fuch permit or permits refpectively for that purpofe, fuch dealer or dealers, or feller or fellers, to or for whom fuch permit or permits fhall be fo granted, fhall not either actually and really fend away all the wine by fuch permit or permits authorized to be fent away purfuant to the true intent and meaning of fuch permit or permits, or, in default of fo fending away fuch wine, fhall not, before the expiration of the time limited in and by fuch permit and permits refpectively, return fuch permit and permits to the officer or officers who granted the fame, then, and in every fuch refpective cafe and cafes, fuch dealer or dealers, or feller or fellers, to whom fuch permit or permits, or for whole ufe fuch permit or permits fhall have been granted, fhall for every gallon of fuch wine mentioned in fuch permit or permits, and not removed according to the purport thereof, forfeit and lofe treble the value of fuch wine, to be eftimated according to the beft and higheft rate and price which wine of the beft quality of that kind fhall fell for in *London* at the time when fuch forfeiture fhall be incurred; and if fuch permit or permits are not fo returned as aforefaid, and in cafe, upon taking an account, by any officer or officers of excife, of the ftock of foreign wine remaining in the hands or cuftody of the dealer or dealers, or feller or fellers, from or out of whole ftock the wine mentioned in fuch permit or permits as aforefaid are thereby authorized to be removed, there fhall not appear a fufficient decrease to answer the removal of the wine mentioned in fuch permit or permits as aforefaid, refpectively, then and in fuch cafe the refpective dealer or dealers, or feller or fellers, from or out of whole ftock fuch wine mentioned in the faid permit or permits fhall be authorized to be removed, fhall forfeit and lofe the like quantities of wine fo permitted to be removed, and not removed according to fuch permission, to be feized and taken by the officers of excife, or any or either of them, out of any foreign wine of the denomination given in fuch permit or permits

and if on taking ftock, a decrease proportionate to the contents of the permit does not appear, a like quantity may be feized, etc.

mits to the wine ſo authorized to be removed, and then in the cuſtody or poſſeſſion of the dealer or dealers, or ſeller or ſellers, forfeiting the ſame; and if ſuch dealer or dealers, or ſeller or ſellers, ſhall not then have in his, her, or their cuſtody or poſſeſſion, ſuch like quantity of wine of that denomination, then and in ſuch caſe ſuch dealer or dealers, or ſeller or ſellers, ſhall forfeit and loſe the ſum of one hundred pounds.

XXXVIII. And be it further enacted by the authority aforeſaid, That if any permit or permits, for the removal of any foreign wine from one place to another, ſhall be granted by any officer or officers of exciſe, to any perſon, other than a dealer or dealers in or ſeller or ſellers of foreign wine by wholeſale or retail, and if within the times limited in ſuch permit or permits reſpectively for that purpoſe, ſuch perſon or perſons to or for whom ſuch permit or permits ſhall be ſo granted, ſhall not either actually and really ſend away all the wine by ſuch permit or permits authorized to be ſent away, purſuant to the true intent and meaning of ſuch permit or permits, or, in default of ſo ſending away ſuch wine, ſhall not, before the expiration of the time limited in and by ſuch permit and permits reſpectively, return ſuch permit and permits to the officer or officers who granted the ſame, then, and in every ſuch reſpective caſe and caſes, the perſon or perſons, other than ſuch dealer or dealers in or ſeller or ſellers of foreign wine by wholeſale or retail, to whom ſuch permit or permits, or for whoſe uſe ſuch permit or permits ſhall have been granted, ſhall, for every gallon of ſuch wine mentioned in ſuch permit or permits, and not removed according to the purport thereof, forfeit and loſe treble the value of ſuch wine, to be eſtimated according to the beſt and higheſt rate or price which wine of that kind ſhall ſell for in *London* at the time when ſuch forfeiture ſhall be incurred.

XXXIX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall counterfeit or forge, or cauſe to be counterfeited or forged, any permit for the removal of any foreign wine from one part of this kingdom to any other part thereof, and for the removal of which a permit is by this act required; or if any perſon or perſons ſhall knowingly or willingly give any falſe or untrue permit for ſuch removal of foreign wine, or ſhall knowingly or willingly accept or receive any falſe or untrue permit with any ſuch wine removed or to be removed as aforeſaid; or if any perſon or perſons ſhall fraudulently alter or eraze any ſuch permit, after the ſame ſhall have been given or granted by the proper officer of exciſe; or if any perſon or perſons ſhall knowingly or willingly publiſh or make uſe of any ſuch permit, ſo counterfeited, forged, falſe, untrue, altered, or erazed; every perſon or perſons ſo offending ſhall, for each and every ſuch offence, ſeverally forfeit and loſe the ſum of five hundred pounds.

XL. And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall counterfeit or forge, or cauſe to be counterfeited or forged, any certificate of ſuch

Private perſons not removing wine agreeable to permits, muſt return them, on penalty of treble the value of the wine.

Perſons giving or uſing falſe permits to forfeit ſool.

Penalty on forging certificate of recognizance.

such recognizance as is herein-before required to be taken, being entered into, or any such indorsement as is herein-before directed to be made, or shall knowingly or willingly give any such false or untrue certificate or indorsement, or shall knowingly or willingly accept or receive any such false or untrue certificate or indorsement with any such wine removed, or to be removed, as aforesaid, or shall fraudulently alter or erase any such certificate or indorsement granted or made by any such justice of the peace, or shall knowingly or willingly publish or make use of any such certificate or indorsement so counterfeited, forged, false, untrue, altered, or erased, the person or persons so offending shall, for each and every such offence, severally forfeit and lose the sum of five hundred pounds.

In every action for the said penalty, sufficient bail to be given.

XLII. And be it further enacted by the authority aforesaid, That upon every action, bill, plaint, or information, entered or filed in any of his Majesty's courts of record at *Westminster*, or court of exchequer in *Scotland*, for any or either of the said penalties of five hundred pounds, a *capias* in the first process shall and may issue, specifying such penalty or penalties; and the defendant or defendants shall be obliged to give sufficient bail, by natural-born subjects, persons naturalized, or denizens, to the person or persons to whom such *capias* shall be directed, to appear in the court out of which such *capias* shall issue, at the day of the return of such writ, to answer such suit or prosecution; and shall likewise, at the time of such appearance, give sufficient bail or security, by such persons as aforesaid, in the said court, to answer and pay such penalty or penalties of five hundred pounds, in case he, she, or they shall be convicted thereof, or to yield his, her, or their bodies to prison.

Wine fraudulently hid to be forfeited.

XLII. And be it further enacted by the authority aforesaid, That in case any foreign wine shall be fraudulently deposited, hid, or concealed in any place whatsoever, with an intent to defraud his Majesty of the duties thereon, such foreign wine shall be forfeited and lost, together with the casks, bottles, jars, vessels, and packages whatsoever containing the same, and shall and may be seized by any officer or officers of the customs or excise; and, the better to enable such officer or officers to discover such foreign wine so fraudulently deposited, hid, or concealed, if any such officer or officers shall have cause to suspect that any foreign wine shall be fraudulently deposited, hid, or concealed in any place whatsoever, with intent to defraud his Majesty of the duties thereon, then, and in such case, if such place shall be within the cities of *London* or *Westminster*, or within the limits of the chief office of excise in *London*; and if the officer or officers so having cause to suspect be an officer or officers of excise, upon oath made by such officer or officers, before the commissioners of excise for the time being, or any two or more of them, or, in case such place shall be in any other part of *Great Britain*; or if the officer or officers so having cause to suspect be an officer or officers of the customs, upon oath made by such officer or officers of the customs or excise, before

How officers are to proceed when they suspect wine is fraudulently deposited.

before one or more justice or justices of the peace for the county, riding, division, or place, where such officer or officers shall suspect the same to be deposited, hid, or concealed, setting forth the ground of his or their suspicion, it shall and may be lawful to and for the said commissioners, or any two or more of them, or the justice or justices of the peace respectively, as the case may require, before whom such oath shall be made, if they or he shall judge it reasonable, by special warrant or warrants under his and their respective hands and seals, to authorize and empower such officer or officers, by day or by night, but, if in the night time, in the presence of a constable or other lawful officer of the peace, to enter into all and every such place or places, where he or they shall so suspect such foreign wine to be so fraudulently deposited, hid, or concealed, and seize and carry away all such foreign wine, which he or they shall then and there find so fraudulently deposited, hid, or concealed, as forfeited, together with all the casks, bottles, jars, vessels, and packages wherein the same shall be contained.

XLIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the officers of excise, or any of them, to go on board, and enter into any ship or vessel whatsoever, which shall be within the limits of any of the ports of this kingdom, or within four leagues of the coast thereof, and to continue on board the same, and to examine and search, in like manner as the officers of the customs may now legally do, for all foreign wine whatsoever, and to seize for his Majesty's use all such foreign wine there found, as by the laws thereunto relating shall be forfeited, together with the casks, bottles, jars, vessels, and packages containing the same, and also such ship or vessel, if the same shall be forfeited for or on account of such wine.

Officers of excise may go on board ships, and search them, in like manner as officers of the customs.

XLIV. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall give, or offer to give, any bribe, recompence, or reward whatsoever, to any officer or officers of excise, to connive at or permit any foreign wine to be run on shore, or to connive at any false or short entry of any such foreign wine; or shall give or offer to give, any bribe, recompence, or reward whatsoever, in order to corrupt, persuade, or prevail upon any such officer or officers, either to do or perform any act or acts, thing or things whatsoever, contrary to the duty of such officer or officers in execution of this act, or to neglect to do or perform any act or acts, thing or things, whatsoever, belonging or appertaining to the business and duty of such officer and officers in execution of this act, or to connive at or conceal any fraud or frauds relating to the duties on foreign wines, or not to discover the same, every such person or persons shall, for every such offence, whether the same offer or proposal be accepted or not, forfeit and lose the sum of one hundred pounds.

Persons attempting to corrupt officers forfeit rool.

XLV. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall assault, resist, oppose,

Persons obstructing officers in the

execution of
their duty,
etc. forfeit
100l.

oppose, molest, obstruct, or hinder any officer or officers of excise in the due execution of this act, or of any of the powers or authorities hereby given or granted to any such officer or officers, or shall by force or violence rescue, or cause to be rescued, any foreign wine, after the same shall have been seized by such officer or officers as aforesaid, or shall attempt or endeavour so to do, or, after such seizure, or whilst any such officer or officers is or are attempting to seize any such foreign wine, shall stay, break, or otherwise destroy or damage any cask, vessel, bottle, jar, or other package wherein the same shall be contained, all and every person or persons so offending shall, for every such offence, for which no other penalty is particularly provided by this act, forfeit and lose the sum of one hundred pounds.

No drawback to be allowed on the exportation of wine, unless the regulations herein prescribed are conformed to.

XLVI. And be it further enacted by the authority aforesaid, That no drawback of any duty on any foreign wine whatsoever shall be allowed, upon the exportation of such wine from this kingdom, unless such wine shall be exported under and subject to the rules, regulations, terms, conditions, and directions herein-after mentioned and prescribed, over and besides the rules, regulations, terms, conditions, and directions, other than where the same are altered by this act, now commonly practised or enforced by the officers of the customs, upon the exportation of such wine, in order to obtain the drawback or drawbacks upon the exportation thereof; (that is to say), The person or persons intending to ship and export any such wine shall, in case such wine is intended to be packed up for exportation, give six hours notice in writing, in case such wine is intended to be packed up within the limits of the chief office of excise in *London*, and twelve hours notice in writing, in case such wine is intended so to be packed up in any place out of the said limits in *Great Britain*, of his intention to pack up any such wine for exportation, and of the time and place when and where the same is intended to be packed up, to the officer or officers of excise who shall be appointed for that purpose by the respective commissioners of excise in *England* and *Scotland*, or the major part of them for the time being, of the particular port or place to which such wine is intended to be exported, and of the quantity of such wine so to be shipped and exported; and if the same be *French* wine, whether it is *French* red wine, or *French* white wine, or, if such wine so to be shipped and exported be foreign wine, other than *French* wine, whether the same is foreign red wine, not *French*, or foreign white wine, not *French*; and such officer or officers shall attend to see such wine packed up, and the same shall be packed up in the presence of such officer or officers, and shall be secured with such fastenings, and sealed with such seal or mark, and in such manner, as the said respective commissioners of excise, or the major part of them, shall direct; and the officer or officers who shall have seen such wine packed up, shall take an account of the quantity of such wine so intended to be exported, and in such account shall specify (if the same be *French* wine) whether the same is *French* red wine or

or *French* white wine, or, if fuch wine fo intended to be exported be not *French* wine, whether the fame be foreign red wine, not *French*, or foreign white wine, not *French*, and fuch officer or officers fhall make a return thereof to the officer who fhall be appointed by fuch refpective commissioners of excife, or the major part of them, to receive the fame, at the port of exportation, without any fee or reward for fo doing; and the perfon or perfons intending to fhlp any foreign wine for exportation, fhall give fix hours notice in writing, within the limits of the faid chief office, and twelve hours notice in writing in other places in *Great Britain*, of the time and place of fhipping fuch wine, unto fuch officer or officers of excife of the place where the fame fhall be fhipped, as fhall be appointed for that purpofe by the faid refpective commissioners, or the major part of them for the time being, and of the name of the fhlp or vefel in which the fame is intended to be fhipped and exported, and of the mafter or commander thereof, and of the particular port or place to which wine is intended to be exported, and of the quantity of fuch wine fo to be fhipped and exported; and if fuch wine be *French* wine, whether the fame be *French* red wine or *French* white wine; and if fuch wine, fo to be fhipped and exported, be not *French* wine, whether the fame is foreign red wine, not *French*, or foreign white wine, not *French*; and if any fuch foreign wine fo intended to be packed for exportation, fhall not be begun to be packed, or if any fuch foreign wine, fo intended to be exported, fhall not be begun to be fhipped, at the time mentioned for the refpective purpofes aforefaid in fuch notice refpectively, or within one hour after fuch time, then fuch refpective notices fhall be void, and the like refpective notices in writing fhall be again given unto fuch officer or officers, previous to the packing up of fuch wine for exportation, or previous to the fhipping of any foreign wine for exportation, as the cafe may require.

XLVII. And be it further enacted by the authority aforefaid, That if any perfon or perfons (fave and except the proper officer of the customs, and the officer of excife, at the port of exportation herein-after mentioned), fhall open any fuch package, after the fame has been fo fecured and fealed as aforefaid, or fhall wilfully deftroy or deface fuch feal or mark, every fuch perfon and perfons, fo offending, fhall forfeit and lofe, for every fuch offence, the fum of fifty pounds.

XLVIII. Provided always, and be it further enacted by the authority aforefaid, That the exporter of any fuch foreign wine fhall alfo, before the fhipping the fame, give bond, with fufficient fecurity, to be approved of by the refpective commissioners of excife in *England* and *Scotland*, or the major part of them, or the perfon by them appointed for that purpofe, in treble the amount of all the duties intended to be drawn back on fuch exportation of fuch wine, that the particular wine fo intended to be exported, and every part thereof fhall (the danger of the fea and enemies excepted) be fhipped and exported to the port

Packages, fealed for exportation, not to be opened, etc. on penalty of 50*l*.

Bond to be given for exportation of wine, and oath made that the duties thereon have been paid.

or place to which fuch wine is in fuch notice, in that behalf herein-before directed to be given, declared to be intended to be exported, and fhall not be exported or carried to any other place or country whatfoever, and fhall not be unfhipped, unladed, or laid on land, or put on board any other fhif, vefsel, or boat, in *Great Britain*, (fhifwreck or other unavoidable accident excepted); which bond the officer of excife of the port or place from whence fuch wine fhall be exported, appointed for that purpofe by the faid refpective commiffioners of excife, or the major part of them for the time being, is hereby directed to take, in his Majefty's name, and to his Majefty's ufe; and the faid exporter fhall alfo, before the fhipping of fuch foreign wine, make oath, that he believes the duties upon fuch foreign wine have been fully paid, which oath they the refpective commiffioners of excife, or any one or more of them for the time being, are, and the furveyor or fupervisor, or other officer appointed for that purpofe by the faid refpective commiffioners of excife, or the major part of them, for the time being, is hereby authorized and required to adminifter; and fuch refpective commiffioners of excife, or any one or more of them, or fuch furveyor or fupervisor, or other officer, being fatisfied of the truth of fuch oath, fhall, within one month after the actual exportation of fuch wine, give to the faid exporter, or his clerk or agent, a certificate or debenture, expreffing the quantities of fuch wine fo fhipped; and, if fuch wine fo fhipped was *French* wine, whether the fame was *French* red wine or *French* white wine; or if fuch wine fo fhipped was not *French* wine, whether the fame was foreign red wine not *French*, or foreign white wine not *French*; and that all the duties hereby impofed on fuch wine have been paid for the fame; and that bond, with fufficient fecurity, hath been given, before the fhipping the fame, for the due exportation thereof; and fuch certificate or debenture being produced to the collector of excife of the port or place from whence fuch wines were fo exported, he fhall forthwith pay or allow the perfon or perfons fo exporting the fame, or their agents, out of the duties by this act impofed on foreign wine, the following drawbacks or allowances, (that is to fay);

Certificates of the quantity exported, etc. to be given to entitle exporter to the following drawbacks:

For every ton of *French* wine exported to *America*, or the *East Indies*, 19l. 13s.:

For every ton of *French* wine, for which all duties due and payable in refpect thereof have been fully paid, exported from this kingdom to any *British* colony or plantation in *America*, or to any part of the united ftates of *America*, or to any *British* fettlement in the *East Indies*, as merchandize, the fum of nineteen pounds, thirteen fhillings; and fo in proportion for any greater or leffer quantity:

For every ton to any other place, 11l. 5s.:

And for every ton of fuch *French* wine, exported from this kingdom to any other part or place beyond the fea, as merchandize, the fum of eleven pounds, five fhillings; and fo in proportion for any greater or leffer quantity:

For every ton of other foreign wine to

And for every ton of foreign wine, other than *French* wine, for which all the duties due and payable in refpect thereof have been

been fully paid, exported from this kingdom, to any *British* colony or plantation in *America*, or to any part of the united states of *America*, as merchandize, the fum of fourteen pounds, seven shillings; and fo in proportion for any greater or lesser quantity:

And for every ton of fuch foreign wine, other than *French* wine, exported from this kingdom to any *British* settlement in the *East Indies*, as merchandize, the fum of nine pounds, feventeen shillings; and fo in proportion for any greater or lesser quantity:

And for every ton of fuch foreign wine, other than *French* wine, exported as merchandize from this kingdom to any other part or place beyond the feas, the fum of five pounds, thirteen shillings; and fo in proportion for any greater or lesser quantity.

And if fuch collector of excife fhall not have money in his hands to pay the fame, then the refpective commissioners of excife in *England* or *Scotland* are required to pay the faid drawback or allowances out of any money in their hands, arifing from the duties hereby impofed, or any of them: provided always, That it fhall and may be lawful for the officer attending the fhipping of fuch foreign wines, if he thinks it neceffary, at the port or place of exportation, and alfo for the proper officer of the customs, if he fhall think it neceffary, upon the fhipping any fuch wine for exportation, to open and examine fuch foreign wine as fhall be fo packed, in order that he may be fatisfied that fuch wines are the fame that are defcribed in the account fo fent by the officer in whole prefence any fuch wine was fo packed: provided always, That if, after the fhipping any fuch foreign wine, and the giving fuch fecurity as aforefaid, in order to obtain a drawback or allowance of any of the duties before paid thereupon, the fame wine, or any part thereof, fhall be unfhipped, unladed, or laid on land, or put into any other fhip, vefel, or boat; within this kingdom (fhipwreck, or other unavoidable accident, excepted), that then, and in every fuch cafe, over and above the penalty of the bond, which fhall be levied and recovered to his Majefty's ufe, all the faid wine which fhall be fo unfhipped, unladed, or laid on land, or put into any other fhip, vefel, or boat, within *Great Britain* (fhipwreck, or other unavoidable accident, excepted), or the value thereof, fhall be forfeited, and may be feized by any officer or officers of excife.

XLIX. And be it further enacted by the authority aforefaid, That fuch bond, herein-before directed to be given, fhall be difcharged in manner herein-after mentioned; (that is to fay), For fuch of the faid wines as fhall be entered for, or landed in *Ireland*, the condition of the bond fhall be, to bring in a certificate in difcharge thereof, within fix months from the date of the bond, and within twelve months for fuch of the faid wines as fhall be entered for, or landed in any other port or place in *Europe*; and within eighteen months for fuch of the faid wines as fhall be entered for, or landed in any of his

America, 14l. 7s.:

For every ton of other foreign wine to the *East Indies*, 9l. 17s.:

For every ton of other foreign wine to any other place, 5l. 13s.:

Drawbacks may be paid out of any monies arifing from duties impofed by this act. Officers may open and infpect wine packed for exportation, and if any part be unfhipped to be forfeited.

How importation bonds are to be difcharged.

Majesty's plantations in *America* or *Africa*, or any of the united states of *America*; and within twenty-four months for fuch of the faid wines as fhall be entered for, or landed in any port or place at or beyond the *Cape of Good Hope*; which faid certificate for fuch wine as aforefaid as fhall be landed in any port or place where any officer or officers of his Majesty's customs fhall be refident, fhall be figned by the proper officer or officers of his Majesty's customs there, importing that fuch wines were there landed, teftifying the landing thereof; and if no officer of his Majesty's customs fhall be refident in fuch port or place where fuch wines fhall be landed, fuch certificate fhall be figned by the *Britifh* conful, or other perfon acting as fuch there, importing that fuch wines were there landed, teftifying the landing thereof; and if no officer of his Majesty's customs, or *Britifh* conful, or other perfon acting as fuch, fhall be refident in fuch port or place where fuch wines fhall be landed, fuch certificate fhall be under the common feal of the chief magistrate in fuch port or place, or under the hands and feals of two known *Britifh* merchants, then being at fuch port or place, that fuch wine was there landed; or fuch bond or bonds fhall be difcharged, upon proof, in either of the faid cafes, that fuch wines were taken by enemies, or perifhed in the feas, or by fire, or were fpent and confumed on board the fhip or vefel in which the fame were exported during the voyage, the examination and proof thereof being left to the judgement of the faid refpective commissioners of excife, or the major part of them, for the time being.

Officer not entitled to reward, unlefs notice of feizure be given within 12 hours.

Account of feized wine to be taken, and not removed without permit.

No dealer in wine to act as a juftice of peace in matters concerning this act.

L. And be it further enacted by the authority aforefaid, That no officer of the customs fhall be entitled to any reward given on the feizure of any wine by virtue of this act, unlefs notice of fuch feizure be by him given, within twelve hours next after fuch feizure, at the next office of excife, or to the fupervisor of excife of the diftrict where fuch feizure fhall be made, who fhall be obliged, on fuch notice, to take a particular account of the fpecies and quantities of all fuch wine fo feized; nor fhall any fuch wine be afterwards removed without a permit or certificate figned by fuch officer of excife, or fupervisor of the place or diftrict from whence fuch wine is to be removed, under the penalties of fuch wine being forfeited, and the fame fhall and may be feized as forfeited by any other officer or officers of the customs, or by any officer or officers of excife.

LI. And be it further enacted by the authority aforefaid, That no perfon whatfoever, being a dealer in or feller of foreign wine, or who is or fhall be anyway interefted or concerned in the trade or bufinefs of dealing in or felling wine, fhall, during fuch time as he fhall be fo interefted or concerned in the trade or bufinefs of dealing in or felling wine, act as a juftice of the peace in any matter or thing whatfoever which fhall anywife concern the execution of the powers or authorities given or granted by this act; and if any fuch perfon or perfons fhall, contrary to the true intent and meaning hereof, prefume to exercife any fuch powers or authorities, or to do any act hereby authorized

authorifed to be done by any juftice or juftices of the peace, all fuch afts, fo executed or done by fuch perfon or perfons, fhall be utterly null and void, to all intents and purpofes whatsoever.

LII. And be it further enacted by the authority aforefaid, That any perfon or perfons who fhall be convicted of wilfully taking a falfe oath, in any of the cafes in which oaths are required to be taken by virtue of this a^ct, fhall be liable to the pains and penalties to which perfons are liable for wilful and corrupt perjury.

Persons taking falfe oaths to be deemed wilful perjurers.

LIII. And be it further enacted by the authority aforefaid, That all the monies arifing by the duties impofed by this a^ct, (all cofts, charges, and expences, of raifing, receiving, collecting, levying, accounting for, and paying the fame, being firft deducted), fhall from time to time be paid by the faid refpective commiffioners of excife into the receipt of the exchequer, and fhall be applied to the fame ufes and purpofes, and under fuch regulations, as the monies arifing by the faid additional impofitions, rates, or duties, and additional impofitions or duties upon the produce thereof, by this a^ct repealed, where applicable unto before the paffing of this a^ct.

Duties to be paid into the exchequer, and applied to the purpofes of the repealed duties.

LIV. And be it further enacted by the authority aforefaid, That all and every the powers, dire^ctions, rules, penalties, forfeitures, claufes, matters, and things, which in and by an a^ct, made in the twelfth year of the reign of King Charles the Second, intituled, *An a^ct for taking away the court of wards and liveries, and tenures in Capite, and by knights fervice, and purveyance, and for fettling a revenue upon his Majefty in lieu thereof*, or by any other law now in force relating to his Majefty's revenue of excife upon beer, ale, and other liquors, are provided and eftablifhed, for managing, raifing, levying, collecting, mitigating, or recovering, adjudging or afcertaining the duties thereby granted, or any of them, (other than in fuch cafes for which other penalties or provifions are made and prefcribed by this a^ct), fhall be pra^ctifed, ufed, and put in execution, in and for the managing, raifing, levying, collecting, mitigating, recovering, and paying the faid duties upon foreign wine hereby granted, as fully and effectually as if all and every the faid powers, rules, dire^ctions, penalties, forfeitures, claufes, matters, and things, were particularly repeated and re-enacted in this prefent a^ct.

Powers of a^ct 12 Car. 2. c. 24, etc. to be put in force, where not hereby repealed.

LV. And be it further enacted by the authority aforefaid, That all fines, penalties, and forfeitures, impofed by this a^ct, fhall be fued for, recovered, levied, or mitigated, by fuch ways, means, or methods, as any fine, penalty, or forfeiture may be fued for, recovered, levied, or mitigated, by any law or laws of excife, or by a^ction of debt, bill, plaint, or information, in any of his Majefty's courts of record at *Westminfter*, or in the court of exchequer in *Scotland* refpectively; and that one moiety of every fuch fine, penalty, or forfeiture, fhall be to his Majefty, his heirs and fucceffors, and the other moiety to him or them who fhall inform, difcover, or fue for the fame.

How penalties are to be recovered and divided.

LVI. And be it further enacted by the authority aforefaid, That if any action or fuit fhall be brought or commenced againft any perfon or perfons, for any thing by him or them done in purfuanee of this act, fuch action or fuit fhall be commenced within three months next after the matter or thing done, and fhall be laid in the proper county, and the defendant or defendants in any fuch action or fuit may plead the general iffue, and give this act and the fpecial matter in evidence at any trial to be had thereupon; and if afterwards a verdict fhall pafs for the defendant or defendants, or the plaintiff or plaintiffs fhall become nonfuit, or difcontinue his, her, or their action or profecution, or judgement fhall be given againft him, her, or them, upon demurrer or otherwife, then fuch defendant or defendants fhall have treble cofts awarded to him, her, or them, againft fuch plaintiff or plaintiffs.

Treble cofts.

Probable caufes of feizure to indemnify the officer.

LVII. And be it further enacted, by the authority aforefaid, That in cafe any information or fuit fhall be commenced and brought to trial, on account of the feizure of any wine feized as forfeited by virtue of this or any act or acts of parliament now in force, or hereafter to be made, relating to the duties on foreign wine, or of any fhip, vefTel, or boat, or of any horfe, cattle, or carriage, ufed or employed in removing or carrying the fame, wherein a verdict fhall be found for the claimer thereof, and it fhall appear to the judge or court, before whom the fame fhall be tried or heard, that there was a probable caufe of feizure, the judge or court, before whom the fame fhall be tried or heard, fhall certify that there was a probable caufe for making fuch feizure, and in fuch cafe the claimant fhall not be entitled to any cofts of fuit whatfoever, nor fhall the perfon or perfons who made fuch feizure be liable to any action, indictment, or other fuit or profecution, on account of fuch feizure; and that in cafe any action, indictment, or profecution, fhall be commenced and brought to trial againft any perfon or perfons whatfoever, on account of the feizing any fuch wine, or of any fuch fhip, vefTel, boat, horfe, cattle, or carriage, ufed or employed in removing or carrying the fame, whether any information fhall be brought to trial to condemn the fame or not, and a verdict fhall be given againft the defendant or defendants, if the court or judge before whom fuch action, indictment, or profecution, fhall be tried, fhall certify that there was a probable caufe for fuch feizure, then the plaintiff, befides the thing fo feized, or the value thereof, fhall not be entitled to above two-pence damages, nor to any cofts of fuit, nor fhall the defendant in fuch profecution be fined above one fhilling.

No procefs to be fued out till a month's notice has been given.

LVIII. And be it further enacted by the authority aforefaid, That no writ or procefs fhall be fued out againft any officer or officers of the customs or excife, or againft any perfon or perfons acting by his or their order, and in his or their aid, for any thing done in the execution, or by reafon of this act, until one calendar month next after notice in writing fhall have been delivered to him or them, or left at the ufual place of his or their

their abode, by the attorney or agent for the person or persons who intends or intend to sue out such writ or process as aforesaid; in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person or persons in whose name such action is intended to be brought, and the name and place of abode of the said attorney or agent; and that a fee of twenty shillings, and no more, shall be paid for the preparing and serving of every such notice.

Fee of notice.

LIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any such officer or officers, or other person or persons acting in his or their aid, to whom such notice shall be given as aforesaid, at any time within one calendar month after such notice shall be given, to tender amends to the person or persons complaining, or to his, her, or their agent or attorney, and in case such amends are not accepted, to plead such tender in bar to any action to be brought against him or them, grounded on such writ or process, together with the plea of not guilty, and any other plea or pleas, with leave of the court in which such action shall be brought; and if, upon issue joined thereon, the jury shall find the amends so tendered to have been sufficient, then they shall give a verdict for the defendant or defendants; and in such case, or in case the plaintiff or plaintiffs shall become nonsuited, or discontinued such action, or in case judgement shall be given for such defendant or defendants upon demurrer, then such defendant or defendants shall be entitled to the like costs as he or they would have been entitled to in case he or they had pleaded the general issue only; and if upon issue so joined the jury shall find that no amends were tendered, or that the same were not sufficient, and also against the defendant or defendants in such other plea or pleas, then they shall give a verdict for such plaintiff or plaintiffs, and such damages as they shall think proper.

Tender of amends to be pleaded in bar of action.

Costs.

LX. Provided always, and be it further enacted by the authority aforesaid, That no plaintiff or plaintiffs, in any case where an action shall be grounded on any act done by the defendant or defendants, shall be permitted to produce any evidence of the cause of such action, except such as shall be contained in the notice to be given as aforesaid, or shall recover any verdict against such officer or officers, or person or persons acting in his or their aid, unless it shall be proved on the trial of such action that such notice was given, and that in default of such proof the defendant or defendants in such action shall recover a verdict and costs as aforesaid.

No evidence to be produced except that contained in the notice, etc.

LXI. And be it further enacted by the authority aforesaid, That in case any such officer or officers, or others acting in his or their aid, shall neglect to tender any amends, or shall have tendered insufficient amends, before the action brought, it shall and may be lawful for him or them, by leave of the court in which such action shall be brought, at any time before issue joined, to pay into court such sum of money as he shall see fit,

Money may be paid into court as amends.

whereupon fuch proceedings, orders, and judgements, fhall be had, made, and given, in and by fuch court, as in other actions where the defendant is allowed to pay money into court.

A noli profequi may be entered where penalties have been unintentionally incurred.

LXII. And be it further enacted, That in cafe any prosecution fhall be commenced by any officer or officers of the customs or excife for the recovery of any penalty incurred by virtue of this act, it fhall and may be lawful for his Majesty's attorney general, in cafe it fhall appear to his fatisfaction that fuch penalty was incurred without any intention of fraud, to flop all further proceedings, by entering a *noli profequi*, or otherwise, upon every fuch information, as well with refpect to the fhare of fuch forfeiture to which any officer or officers of his Majesty's revenue fhall be or may claim to be entitled, as to the fhare thereof to his Majesty belonging.

Goods unintentionally forfeited, may be reftored on conditions, but the proprietors not be entitled to damages,

LXIII. And be it further enacted by the authority aforefaid, That in cafe any goods or commodities whatever, or any fhips, veffels, boats, horfes, cattle, or carriages, fhall be feized as forfeited, by virtue or in purfuance of this act; it fhall and may be lawful for the commiffioners of the customs or excife refpectively, on evidence given to their fatisfaction, that the forfeiture arofe without any defign or intention of fraud in the proprietor or proprietors of fuch goods or commodities, fhips, veffels, boats, horfes, cattle, or carriages, to order the fame to be reftored to fuch proprietor or proprietors, in fuch manner and on fuch terms and conditions as under the circumftances of the cafe fhall appear to the faid commiffioners of the excife and customs refpectively to be reasonable, and as they fhall think fit to direct; and if the faid proprietor or proprietors fhall comply with the terms and conditions prefcribed by fuch commiffioners refpectively, it fhall not be lawful for the officer or officers who fhall feize fuch goods or commodities, fhips, veffels, boats, horfes, cattle, or carriages, or any other perfon or perfons whatever, on his or their behalf, to proceed in any manner for the condemnation thereof; but if fuch proprietor or proprietors fhall not comply with the terms and conditions prefcribed by the faid commiffioners refpectively, fuch officer or officers fhall be at liberty, and is and are hereby authorized to proceed for the condemnation of fuch goods or commodities, fhips, veffels, boats, horfes, cattle, or carriages, as if this law had not been made; and if fuch proprietor or proprietors fhall accept the terms and conditions prefcribed by the faid commiffioners of the customs and excife, fuch proprietor or proprietors fhall not have, or be entitled to any recompence or damage on account of the feizure or detention of fuch goods or commodities, fhips, veffels, boats, horfes, cattle, or carriages, or have or maintain any action whatever for the fame; any law, cuftom, or ufage to the contrary notwithstanding.

Recital of act
23 Geo. 3. c.
76. ; and

LXIV. *And whereas, by an act made in the twenty-third year of the reign of his prefent Majesty, intituled, An act for the better preventing frauds in the landing and removing of wines in this kingdom, and to prevent the relanding of refined fugar, entered*

for

for exportation, to obtain the drawback or bounty; it was enacted, That, from and after the first day of September, one thousand seven hundred and eighty-three, no wine of any sort, in any hoghead, or other cask whatsoever, should be removed or carried, either by land or by water, from any outport, creek, or haven, in Great Britain, not being within the limits of the port of London, to any other town, port, or place whatsoever, within the same kingdom, without a certificate first had and obtained from the collector and comptroller, or the chief officer of the customs at or nearest to the town, port, or place from which such wine was intended to be so removed, certifying that the duties due and payable for such wine had been paid at the port or place of importation, or that the same was wine sold for salvage, or that the same had been compounded for, or condemned, as the case might be, referring to the time when, and the place where, such wine was entered, sold, compounded for, or condemned, and expressing the quantity and sort of wine, with the marks of the package thereof, to what place, and to whom the same was consigned, and by what carriage, and by whom the same was intended to be removed, which facts should be verified by the oath of the importer or proprietor of such wine; and if the wine was to be removed by land, the certificate should also express and limit the time for which such certificate should continue in force: and whereas by an other act, made in the twenty-fourth year of the reign of his said Majesty, intituled, An act to re-

vide and continue several laws relating to the allowing the exportation of certain quantities of wheat, and other articles, to his Majesty's sugar colonies in America; and to the allowing a drawback of the duties on rum shipped as stores to be consumed on board merchant ships on their voyages; and to extend the provisions of an act of the twenty-third year of his present Majesty, relative to the removal of wine in casks, to wine removed in bottles, and other packages; reciting the said clause herein-before recited of the said act, made in the twenty-third year of his said present Majesty's reign, and that great quantities of wine which had been clandestinely imported into the out-ports of this kingdom, and run on shore without payment of the duties due for the same, had been afterwards removed from thence to other parts within this kingdom, and into the port of London, in bottles and other small packages, it was enacted, That, from and after the twentieth day of September, one thousand seven hundred and eighty-four, the said in part recited act, and every clause and matter therein, so far as the same related to the removal of wine in hogheads or other casks, or inflicted any penalty or forfeiture upon the removal of such wine without such certificate, or upon persons who should falsely make oath to any of the facts therein required to be sworn, or who should forge, counterfeit, erase, alter, or falsify any certificate, or knowingly make use of any certificate so forged, counterfeited, erased, altered, or falsified, should extend, and be construed to extend, in like manner, to the removal of any sort of wine in bottles, or any other packages whatsoever, as fully, to all intents and purposes, as if the several clauses, restrictions, penalties, and forfeitures relative thereto were again repeated and re-enacted in that act: and whereas the good purposes by the said clauses

Act 24 Geo.
3. sess. 2. c.
50.

Clauses of the
intended, recited acts.

forbidding the removal of wine from any out port without certificates, repealed.

Commencement of this act.

intended, will be effectually answered by the provisions of this act, and the said clauses will therefore be unnecessary to be continued in force; be it therefore enacted by the authority aforesaid, That the said recited clauses shall be, and the same are hereby repealed.

LXV. And be it further enacted by the authority aforesaid, That this act shall commence and take effect, as to all such matters and things therein contained in respect whereof no special commencement is hereby directed or provided, from and immediately after the fifth day of *July*, one thousand seven hundred and eighty-six.

C A P. LX.

An act for the further increase and encouragement of shipping and navigation.

Preamble.

WHEREAS *the wealth and strength of this kingdom, and the prosperity and safety of every part of the British empire, greatly depend on the encouragement given to shipping and navigation: and whereas it is proper that the advantages hitherto given by the legislature to ships owned and navigated by his Majesty's subjects should from henceforth be confined to ships wholly built and fitted out in his Majesty's dominions: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of August, one thousand seven hundred and eighty-six, no ship or vessel foreign-built (except such ships or vessels as have been or shall hereafter be taken by any of his Majesty's ships or vessels of war, or by any private or other ship or vessel, and condemned as lawful prize in any court of admiralty), nor any ship or vessel built or rebuilt upon any foreign-made keel or bottom, in the manner heretofore practised and allowed, although owned by British subjects, and navigated according to law, shall be any longer entitled to any of the privileges or advantages of a British-built ship, or of a ship owned by British subjects; and that all the said privileges and advantages shall hereafter be confined to such ships only as are wholly of the built of Great Britain or Ireland, Guernsey, Jersey, and the Isle of Man, or of some of the colonies, plantations, islands, or territories in Asia, Africa, or America, which now belong, or at the time of building such ships or vessels did belong, or which may hereafter belong to, or be in the possession of his Majesty, his heirs or successors: provided always, That nothing herein-before contained shall extend, or be construed to extend, to prohibit such foreign-built ships or vessels only as, before the first day of May, one thousand seven hundred and eighty-six, did truly and without fraud wholly belong to any of the people of Great Britain or Ireland, Guernsey, Jersey, and the Isle of Man, or of any of the aforesaid colonies, plantations, islands, or territories, as the proprietors and right owners thereof, and which*

From Aug. 1, 1786, no ship built out of his Majesty's dominions except prizes, shall be entitled to the privileges of a British ship; but foreign ships, built before May 1, 1786, not hereby to be deprived of the privileges they now en. y, &c.

which shall be navigated according to law, and shall also be registered in manner herein-after directed, from continuing to enjoy the privileges and advantages they have hitherto enjoyed, or from importing or exporting such goods or commodities as may now be legally imported or exported by such ships or vessels, into and from such ports and places as is now by law allowed, and under such rules, regulations, and restrictions as have heretofore been made touching such foreign-built ships or vessels, and subject and liable to all such duties as have been imposed on any goods or commodities imported or exported as aforesaid in such foreign-built ships or vessels, by any act or acts of parliament: and provided also, That nothing herein contained, shall extend or be construed to extend, to deprive any ship or vessel, which before the passing of this act hath been built or rebuilt upon any foreign-made keel or bottom, and which, before the said first day of *May*, one thousand seven hundred and eighty-six, was duly registered as a *British* ship, from continuing to enjoy any privilege or advantage to which such ship or vessel is now by any law or usage entitled; nor to prevent any such ship or vessel which shall have been begun to be repaired or rebuilt before the said first day of *May*, one thousand seven hundred and eighty-six, from being registered according to, and in pursuance of this act, by an order under the hands of the commissioners of his Majesty's customs in *England*, or any four or more of them, or of the commissioners of his Majesty's customs in *Scotland*, or any three or more of them; which order the said commissioners respectively are hereby authorized and impowered to grant, if it shall be made appear to the satisfaction of the said commissioners respectively upon oath, that such ship or vessel was stranded by the act of providence, and not with a fraudulent intent, and was, at the time of being so stranded, the sole property of some foreigner or foreigners; or that such ship or vessel was a droit of admiralty, and it be in like manner fully and clearly ascertained, to the satisfaction of such commissioners respectively, that the said ship or vessel, from the damage received by being so stranded, was rendered unfit to proceed to sea without undergoing a thorough repair in this kingdom, and that she was necessarily sold for the benefit of the foreign owner or owners, or, being a droit of admiralty, was sold by virtue and under the authority of an order or commission from the court of admiralty, and that she was fairly and openly purchased by a *British* subject or subjects, and, being the sole and intire property of such *British* subject or subjects, that she hath been so much repaired that two-thirds of her at the least are of *British*-built.

II. And be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, no ship or vessel shall be deemed or taken to be *British*-built, or enjoy the privileges thereunto belonging, which shall from thenceforth be rebuilt or repaired in any foreign port or place, if such repairs shall exceed the sum of
 No ship rebuilt, or where repairs exceed 15s. per ton, in a foreign port, to be deemed
 fifteen British built.

Anno vicefimo fexto GEORGII III. c. 60. [1786.]

ption in
our of ex-
ordinary
damages suf-
tained on
voyages.

fifteen fhillings for every ton of the faid fhip or vefel according to the admeafurement thereof, unlefs fuch repairs fhall be neceffary by reafon of extraordinary damage fufained by fuch fhip or vefel during the abfence of fuch fhip or vefel from his Majefty's dominions, to enable her to perform the voyage in which fhe fhall be then engaged, and to return in fafety to fome port or place of the faid dominions; and that before fuch fhip or vefel fhall be repaired, fo as to exceed the fum aforefaid, the mafter, or other perfon having or taking the charge or command of fuch fhip or vefel, fhall report the ftate and condition thereof upon oath, or (being a quaker) upon affirmation, to the *British* conful, or other chief *British* officer, if there fhall be fuch conful or officer at the port where it fhall be neceffary to repair fuch fhip or vefel, and fhall caufe fuch fhip or vefel to be furveyed by two fit and proper perfons to be approved of by fuch conful or chief *British* officer; and fhall deliver to fuch conful or chief *British* officer, in writing, the particulars of the damage fufained by fuch fhip or vefel, and fhall verify upon oath, or (being a quaker) upon affirmation, (to be adminiftered by fuch conful or chief *British* officer), the particulars and amount of the repairs of fuch fhip or vefel; and that the fame were become neceffary in confequence of damage fufained during the voyage to that port, to enable fuch fhip or vefel to profecute the voyage then intended, and to return to fome port or place of his Majefty's dominions, which the faid conful, or chief *British* officer, is hereby required to certify under his hand and feal; and if there fhall not be any *British* conful, or chief *British* officer, refident at or near the port or place where fuch repairs may be neceffary, then that fuch furvey fhall be made by two fit and proper perfons, to be approved of by two known *British* merchants refiding at or near fuch port or place; and that fuch mafter, or other perfon having or taking the charge or command of fuch fhip or vefel, fhall produce to fuch merchants as aforefaid, vouchers of the particulars and amount of the repairs of fuch fhip or vefel, whofe certificate of the fame fhall be of the like force and effect as that of the *British* conful, or chief *British* officer refident in any foreign port or place; and in cafe any fhip or vefel fhall, after the faid firft day of *Auguft*, one thoufand feven hundred and eighty-fix, be repaired in any foreign port or place, the mafter, or other perfon having or taking the charge or command thereof, fhall make proof on oath, or (if a quaker) by affirmation, before the collector and comptroller, or other principal officer of the customs in the port of his Majefty's dominions where the faid fhip or vefel may firft arrive (if required by them fo to do; which oath or affirmation the faid collector and comptroller, or other principal officer, or either of them, is and are hereby authorized and impowered to adminifter), describing the nature and amount of the charge or expence of fuch repairs; and if fuch charge or expence fhall appear to exceed the before-mentioned fum of fifteen fhillings for every ton of the admeafure-

Expences of
repairs to be
certified, on
arrival, to an
officer of the
customs.

admeafurement of fuch fhip or veffel, and the faid mafter, or other perfon having or taking the charge or command of fuch fhip or veffel, fhall neglect or refufe to deliver to fuch collector and comptroller, or principal officer of the customs, or to one of them, the certificate fo required to be produced in fuch cafes as aforefaid, the faid fhip or veffel fhall be deemed and taken to be a foreign-built fhip or veffel, to all intents and purpofes whatever.

III. *And whereas it is highly expedient that the provifions made for the registry of fhips and veffels by an act, made and paffed in the feventh and eighth years of the reign of his late majefty King William the Third, (intituled, An act for preventing frauds, and regulating abufes in the plantation trade), fhould be altered and amended, and that the fame fhould be extended and applied to fhips and veffels other than thofe which are therein particularly defcribed;* be it therefore enacted, That all and every fhip or veffel having a deck, or being of the burthen of fifteen tons, or upwards, belonging to any of his Majefty's fubjects in Great Britain, or Guernfey, Jerfey, and the Ifle of Man, or of any of the aforefaid colonies, plantations, iflands, or territories, fhall, from and after the refpective times herein-after expreffed, be registered in manner herein-after mentioned; and that the perfon or perfons claiming property therein fhall caufe the fame to be registered, and fhall obtain a certificate of fuch registry from the collector and comptroller of his Majefty's customs in Great Britain or the Ifle of Man, or from the governor, lieutenant governor, or commander in chief, and principal officer or officers of his Majefty's revenue of customs, refiding in the iflands of Guernfey or Jerfey, or in any of the faid colonies, plantations, iflands, or territories, refpectively, in manner herein-after directed; and that the form of fuch certificate fhall be as follows; *videlicet* :

Provisions of act 7 & 8 Gul. 3. C. 22. to be extended to veffels of 15 tons, and upwards, and certificates of registry obtained.

In purfuanee of an act, paffed in the twenty-fifth year of the reign of King George the Third, intituled, An act [here insert the title of the act, the names, occupation, and refidence, of the fubfcribing owners], having taken and fubfcribed the oath required by this act, and having fworn that he, [or, they,] together with [names, occupation, and refidence of non-fubfcribing owners,] is [or are] fole owner [or, owners] of the fhip or veffel called the [fhip's name] of [place to which the veffel belongs], whereof [mafter's name] is at prefent mafter, and that the faid fhip or veffel was [when and where built, or captured, and date of condemnation]; and [name and employment of the furveying officer] having certified to us that the faid fhip or veffel is [whether Britifh, Foreign, or Britifh plantation built], has [number of decks] decks, and [number of masts] masts, that her length, from the fore part of the main ftem to the after part of the ftern poft aloft, is [number of feet and inches], her breadth at the broadeft part, whether above or below the main wales, [number of feet and inches], her height between decks [number of feet and inches, if more than one deck, and if not, then] the depth

Certificate of Britifh registry.

depth of the hold [number of feet and inches], and admeasures [burthens] tons that ſhe is a [kind of veſſel, and how built], has [whether any or no gallery] gallery, and [kind of head, if any] head; and the ſaid ſubſcribing owners having conſented and agreed to the above deſcription and admeſurement, and having cauſed ſufficient ſecurity to be given, as is required by the ſaid act, the ſaid [kind and name of the veſſel] has been duly regiſtered at the port of [name of the port].

Given under our hands and ſeals of office, at the custom-houſe in the ſaid port of [name of the port], this [date] day of [name of the month], in the year [words at length].

No registry made, &c. but at the port to which a veſſel belongs, except for prizes condemned at Guernſey, etc. unleſs authoriſed by the commiſſioners of the cuſtoms.

IV. And be it further enacted by the authority aforeſaid, That no ſuch registry ſhall hereafter be made, or certificate thereof granted, by any perſon or perſons herein-before authoriſed to make ſuch registry, and grant ſuch certificate, in any other port or place than the port or place to which ſuch ſhip or veſſel ſhall properly belong, except ſo far as relates to ſuch ſhips or veſſels as ſhall be condemned as prizes in any of the iſlands of *Guernſey, Jerſey, or Man*, which ſhips or veſſels ſhall in future be regiſtered in manner herein-after directed; but that all and every registry and certificate granted in any port or place to which any ſuch ſhip or veſſel does not properly belong, ſhall be utterly null and void, to all intents and purpoſes, unleſs the officers aforeſaid ſhall be ſpecially authoriſed and impowered to make ſuch registry, and grant ſuch certificate, in any other port, by an order in writing under the hands of any four or more of the commiſſioners of his Maſteſty's cuſtoms in *England*, or of any three or more of the commiſſioners of his Maſteſty's cuſtoms in *Scotland*, for the time being, which order the ſaid commiſſioners are hereby reſpectively authoriſed and impowered to iſſue, in manner aforeſaid, if they ſhall ſee fit.

The port from and to which a ſhip uſually trades, to be deemed her port.

V. And be it further enacted by the authority aforeſaid, That the port to which any ſhip or veſſel ſhall hereafter be deemed and taken to belong, within the intent and meaning of this act, ſhall be, and is hereby declared to be, the port from and to which ſuch ſhip or veſſel ſhall uſually trade, or (being a new ſhip) ſhall intend ſo to trade, and at or near which the huſband, or acting and managing owner or owners of ſuch ſhip or veſſel uſually resides or reſide.

No registry to be required for any veſſels belonging to the royal family.

VI. Provided always, and be it further enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to require to be regiſtered, according to the directions of this act, any ſhip or veſſel of war, or any other veſſel, of whatever built the ſame may be, or under whatever deſcription the ſame may fall, being the property of his Maſteſty or the royal family, or any of them, or any lighters, barges, boats, or veſſels of any built or deſcription whatever, uſed ſolely in rivers or inland navigation.

y

VII. And

VII. And it is hereby declared, That no fhip or vefſel built in any of the colonies of *North America*, now called, *The United States of America*, during the time that any act or acts of parliament made in *Great Britain*, prohibiting trade and intercourſe with thoſe colonies, was or were in force, nor any fhip or vefſel which was owned by, or belonged to the ſubjects of the ſaid united ſtates, or of any of the ſaid ſtates reſpectively, during the exiſtence of thoſe acts, and not regiſtered before the commencement thereof, is or ſhall be entitled to be regiſtered under this preſent act, or to any of the privileges or advantages of a *Britiſh* built ſhip or vefſel, unleſs ſuch ſhip or vefſel ſhall have been taken and condemned as lawful prize, or, having been ſtranded, ſhall have been built or rebuilt, and regiſtered in the manner heretofore praſtiſed and allowed.

No ſhip built in the united ſtates of America, etc. during the exiſtence of any prohibitory acts, entitled to be regiſtered.

VIII. And be it enacted by the authority aforeſaid, That no ſubject of his Majeſty, his heirs and ſucceſſors, whoſe uſual reſidence is in any country not under the dominion of his Majeſty, his heirs and ſucceſſors, ſhall be deemed or intitled, during the time he ſhall continue ſo to reſide, to be the owner in whole or in part of any *Britiſh* ſhip, or vefſel, required and authorized to be regiſtered by virtue of this act, unleſs he be a member of ſome *Britiſh* factory, or agent for, or partner in, any houſe or copartnerſhip, actually carrying on trade in *Great Britain* or *Ireland*.

No ſubject reſiding out of his Majeſty's dominions, to be entitled to be the owner of any ſhip, authorized to be regiſtered, except a member of a factory, etc.

IX. And be it further enacted by the authority aforeſaid, That ſo much of the ſaid recited act paſſed in the ſeventh and eighth years of the reign of his late majeſty King *William* the Third, as directs the oath therein contained to be taken on regiſtering the ſhips and vefſels therein deſcribed, ſhall be, and the ſame is hereby repealed.

Oath required by the recited act of Gul. 3. repealed.

X. And be it alſo enacted by the authority aforeſaid, That no registry ſhall henceforth be made, or certificate granted, until the following oath be taken and ſubſcribed before the perſon or perſons herein-before authorized to make ſuch registry, and grant ſuch certificate reſpectively, (which they are hereby reſpectively impowered to adminiſter) by the owner of ſuch ſhip or vefſel, if ſuch ſhip or vefſel is owned by or belongs to one perſon only; or, in caſe there ſhall be two joint owners, then by both of ſuch joint owners, if both ſhall be reſident within twenty miles of the port or place where ſuch register is required, or by one of ſuch owners, if one or both of them ſhall be reſident at a greater diſtance from ſuch port or place; or if the number of ſuch owners or proprietors ſhall exceed two, then by the greater part of the number of ſuch owners or proprietors, if the greater number of them ſhall be reſident within twenty miles of ſuch port or place as aforeſaid, not in any caſe exceeding three of ſuch owners or proprietors, or by one of ſuch owners, if all ſhall be reſident at a greater diſtance.

No registry to be made, etc. till the following oath be taken.

I A. B. of [place of reſidence and occupation] do make oath, That the ſhip or vefſel [name] of [port or place] whereof [maſter's

ster's name] *is at present master, being* [kind of built, burthen, &c. as described in the certificate of the surveying officer] *was* [when and where built, or if prize, capture, and condemnation] *and that I the said A.B.* [and the other owners names and occupations, if any, and where they respectively reside, *videlicet*, Town, place or parish, and county, or if member of, and resident in any factory in foreign parts, or in any foreign town or city, being an agent for, or partner in any house, or copartnership actually carrying on trade in *Great Britain or Ireland*, the name of such factory, foreign town or city, and the names of such house or copartnership] *am* [or *are*] *sole owner* [or *owners*] *of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto; and that I the said A.B.* [and the said other owners, if any] *am* [or *are*] *truly and bona fide a subject* [or *subjects*] *of Great Britain; and that I the said A.B. have not* [nor have any of the other owners, to the best of my knowledge and belief] *taken the oath of allegiance to any foreign state whatever* [except under the terms of some capitulation, describing the particulars thereof], *or that since my taking* [or his or their taking] *the oath of allegiance to* [naming the foreign states respectively to which he or any of the said owners shall have taken the same] *and prior to the passing of an act in the twenty-sixth year of the reign of King George the Third, (intituled, An act for the further increase and encouragement of shipping and navigation), I have* [or he or they hath or have] *become a subject* [or *subjects*] *of Great Britain* [either by his Majesty's letters patent, as a denizen or denizens, or naturalized by act of parliament, as the case may be, naming the dates of the letters of denization, or the act or acts of parliament for naturalization respectively] *or* [as the case may be] *I have* [or he or they hath or have] *become a denizen* [or *denizens*, or *naturalized subject* or *subjects*, as the case may be] *of Great Britain, by his Majesty's letters patent, or by an act of parliament passed since the first day of January, one thousand seven hundred and eighty-six,* [naming the times when such letters of denization have been granted respectively, or the year or years in which such act or acts for naturalization have passed respectively], *and that no foreigner, directly or indirectly, hath any share or part or interest in the said ship or vessel.*

XI. And be it further enacted by the authority aforesaid,

Addition to be made to the oath when the requisite number of members do not attend.

That, in case the number of joint owners or proprietors of any ship or vessel shall amount to three or more, and three of such joint owners or proprietors shall not personally attend to take and subscribe the oath herein-before directed to be taken and subscribed, then, and in such case, such owner or owners, proprietor or proprietors, as shall personally attend, and take and subscribe the oath aforesaid, shall further make oath, that the part owner or part owners of such ship or vessel then absent is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief,

belief, wilfully abfented himfelf or themfelves, in order to avoid the taking the oath herein-before directed to be taken and fubfcribed, or is or are prevented by illnefs from attending to take and fubfcribe the faid oath.

XII. And, in order to enable the proper officer or officers of his Majesty's customs to grant a certificate, truly and accurately describing every fhip or vefel to be registered in purfuanee of this act, and alfo to enable all other officers of his Majesty's customs, on due examination, to difcover whether any fuch fhip or vefel is the fame with that for which a certificate is alledged to have been granted; be it enacted by the authority aforefaid, That, previous to the registering or granting of any certificate of registry as aforefaid, fome one or more proper perfon or perfons, appointed by the commissioners of his Majesty's customs in *England* and *Scotland*, or by the governor, lieutenant governor, or commander in chief for the time being in the iflands of *Guernsey*, *Ferfey*, and *Man*, or of the colonies, plantations, iflands, or territories aforefaid refpectively (taking to his or their affiftance, if he or they fhall judge it neceffary, one or more perfon or perfons skilled in the building and admeafurement of fhips) fhall go on board of every fuch fhip or vefel as is to be registered, and fhall ftrictly and accurately examine and admeafure every fuch fhip or vefel, as to all and every particular contained in the form of the certificate herein-before directed, in the prefence of the mafter, or of any other perfon who fhall be appointed for that purpofe on the part of the owner or owners, or, in his or their abfence, by the faid mafter, and fhall deliver a true and juft account in writing of all fuch particulars of the built, description, and admeafurement of every fuch fhip or vefel as are fpecified in the form of the certificate above recited, to the perfon or perfons who fhall be authorized as aforefaid to make fuch registry and grant fuch certificate of registry; and the faid mafter, or other perfon attending on the part of the owner or owners, is hereby required to fign his name alfo to the certificate of fuchurveying or examining officer in testimony of the truth thereof, provided fuch mafter or other perfon fhall confent and agree to the feveral particulars fet forth and described therein.

Ships to be examined, etc. before certificates are granted, etc.

XIII. And be it alfo enacted by the authority aforefaid, That if fuch perfon or perfons fo appointed to examine and admeafure fuch fhips or vefels as aforefaid, fhall wilfully deliver to any perfon or perfons authorized to make registry and grant certificates of registry as aforefaid, a falfe description of any of the particulars hereby required to be contained in fuch certificate; or if any perfon or perfons herein-before authorized to make fuch registry, and grant fuch certificates of registry, fhall knowingly make any falfe register, or grant any falfe certificate, in regard to any of the particulars required by this prefent act, he or they, on being convicted thereof by due courfe of law, in any of his Majesty's courts of record at *Westminfter*, in the court of jufticiary, or the court of exchequer in *Scotland*, or in any court of record in the faid colonies, plantations, iflands, or territories,

Persons giving falfe descriptions, or making falfe registries, etc. of fhips, forfeit zo0l.

or in the royal court in *Guernsey* or *Jersey*, or in the fuperior court of juftice in the *Iffe of Man*, as the cafe may be, fhall refpectively forfeit the fum of one hundred pounds, and be forever incapable of holding or enjoying any office or employment under his Majefty.

Method of afcertaining the tonnage, when veffels are afloat.

XIV. *And whereas the officer or officers fo appointed to examine and admeafure fuch fhips and veffels as aforefaid, may not always be enabled to caufe fuch fhip or veffel to be laid on fhore, for the purpofe of afcertaining her tonnage, according to the rule now by law prefcribed for that purpofe: and whereas it would in fome cafes endanger fuch fhip or veffel fo to do:* be it therefore enacted by the authority aforefaid, That in cafes where it may be neceffary to afcertain the tonnage of any fuch fhips or veffels when afloat, the following method fhall be obferved; *widelicet*, Drop a plumb line over the ftern of the fhip, and meafure the diftance between fuch line and the after part of the ftern poft, at the load water mark; then meafure from the top of the faid plumb line, in a parallel direktion with the water, to a perpendicular point immediately over the load water mark, at the fore part of the main ftem, fubtracting from fuch meafurement the above diftance, the remainder will be the fhip's extreme length, from which is to be deducted three inches for every foot of the load draught of water, for the rake abaft, and alfo three fifths of the fhip's breadth, for the rake forward, the remainder fhall be efteemed the juft length of the keel to find the tonnage; and the breadth fhall be taken from outfide to outfide of the plank, in the broadeft part of the fhip, either above or below the main wales, exclusive of all manner of fheathing or doubling that may be wrought upon the fide of the fhip; then multiplying the length of the keel for tonnage, by the breadth fo taken, and that product by half the breadth, and dividing by ninety-four, the quotient fhall be deemed the true contents of the tonnage: provided always, that nothing herein-before contained fhall in anywife be conftrued to alter the manner of admeafuring the tonnage of any fhip or veffel which has heretofore been praftifed for the purpofe of afcertaining the light duties, or any other duties or imposts whatever, payable according to the tonnage of any fhip or veffel.

Bond to be given, not to lend certificates, and to return them in cafes herein fpecified.

XV. And be it further enacted by the authority aforefaid, That, at the time of obtaining the certificate of registry as aforefaid, fufficient fecurity by bond fhall be given to his Majefty, his heirs and fucceffors, by the mafter and fuch of the owners as fhall perfonally attend, as is herein-before required, fuch fecurity to be approved of and taken by the perfon or perfons herein-before authorized to make fuch registry, and grant fuch certificates of registry, at the port or place in which fuch certificate fhall be granted, in the penalties following; (that is to fay) If fuch fhip or veffel fhall be a decked veffel, or be above the burthen of fifteen tons, and not exceeding fifty tons, in the penalty of one hundred pounds; if exceeding the burthen of fifty tons, and not exceeding one hundred tons, in the penalty of three

three hundred pounds; if exceeding the burthen of one hundred tons, and not exceeding two hundred tons, in the penalty of five hundred pounds; if exceeding the burthen of two hundred tons, and not exceeding three hundred tons, in the penalty of eight hundred pounds; and if exceeding the burthen of three hundred tons, in the penalty of one thousand pounds: and the condition of every such bond shall be, that such certificate shall not be sold, lent, or otherwise disposed of, to any person or persons whatever, and that the same shall be solely made use of for the service of the ship or vessel for which it is granted; and that in case such ship shall be lost, or taken by the enemy, burnt, or broken up, or otherwise prevented from returning to the port to which she belongs, the certificate, if preserved, shall be delivered up, within one month after the arrival of the master in any port or place in his Majesty's dominions, to the collector and comptroller of some port in *Great Britain*, or of the *Iste of Man*, or of the *British* plantations, or to the governor, lieutenant governor, or commander in chief, for the time being, of the islands of *Guernsey* or *Jersey*; and that if any foreigner, or any person or persons for his use and benefit, shall purchase or otherwise become entitled to the whole, or any part or share of, or any interest in such ship or vessel, and the same shall be within the limits of any port in *Great Britain*, *Guernsey*, *Jersey*, *Man*, or the *British* colonies, plantations, islands, or territories aforesaid, then and in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the person or persons hereinbefore authorized to make registry, and grant certificates of registry, at such port or place respectively, as aforesaid; and if such ship or vessel shall be in any foreign port when such purchase or transfer of interest or property shall take place, then that the same shall be delivered up to the *British* consul, or other chief *British* officer, resident at or nearest to such foreign port; or if such ship or vessel shall be at sea when such purchase or transfer of interest or property shall take place, then that the same shall be delivered up to the *British* consul, or other chief *British* officer, at the foreign port or place in or at which the master, or other person having or taking the charge or command of such ship or vessel, shall first arrive after such purchase or transfer of property at sea, immediately after his arrival at such foreign port; but if such master, or other person who had the command thereof at the time of such purchase or transfer of property at sea, shall not arrive at a foreign port, but shall arrive at some port of *Great Britain*, *Guernsey*, *Jersey*, *Man*, or his Majesty's said colonies, plantations, islands, or territories, then that the same shall be delivered up in manner aforesaid, within fourteen days after the arrival of such ship or vessel, or of the person who had the command thereof, in any port of *Great Britain*, *Guernsey*, *Jersey*, *Man*, or any of his Majesty's said colonies, plantations, islands, or territories: and that if any pass, commonly called *A Mediterranean Pass*, shall have been obtained

Mediterranean paffes to be delivered up with certificates.

or procured for any fuch fhip or veffel, then and in fuch cafe the fame fhall be delivered up at the fame time, and in like manner, with the certificate of registry aforefaid, to the perfon or perfons herein-before authorized to receive fuch certificate of registry: and fuch certificates fo delivered up fhall forthwith be tranfmitted to the commiffioners of his Majefty's customs in *England* and *Scotland* refpectively: and fuch *Mediterranean* paffes fhall be alfo tranfmitted to the commiffioners for executing the office of lord high admiral of *Great Britain*, by the perfon or perfons herein-before authorized to receive fuch certificates and paffes, in order that the fame may be cancelled.

Tenor of indorfements on certificates of registry, etc.

XVI. *And whereas the provifions made in and by the faid recited act, touching the indorfement on certificates of registry, in cafe of any alteration of the property in any fhip or veffel, in the fame port to which the fhip or veffel belongs, have been found infufficient; be it therefore enacted by the authority aforefaid, That, in every fuch cafe, befides the indorfement required by the faid recited act, there fhall alfo be indorfed on the certificate of registry, before two witneffes, the town, place, or parifh where all and every perfon or perfons to whom the property in any fhip or veffel, or any part thereof, fhall be fo transferred, fhall refide; or if fuch perfon or perfons ufually refide in any country not under the dominion of his Majefty, his heirs and fucceffors, but in fome *British* factory, the name of fuch factory of which fuch perfon or perfons is or are member or members; or if fuch perfon or perfons refide in any foreign town or city, and are not members of fome *British* factory, the name of fuch foreign town or city where fuch perfon or perfons ufually refide, and alfo the names of the houfe or copartnership in *Great Britain* or *Ireland*, for or with whom fuch perfon or perfons is or agent or partner, or agents or partners; and the perfon or perfons to whom the property of fuch fhip or veffel fhall be fo transferred, or his or their agent, fhall alfo deliver a copy of fuch indorfement to the perfon or perfons authorized to make registry, and grant certificates of registry, as aforefaid, who are hereby required to caufe an entry thereof to be indorfed on the oath or affidavit upon which the original certificate of registry of fuch fhip or veffel was obtained; and fhall alfo make a memorandum of the fame in the book of registers which is hereby directed and required to be kept, and fhall forthwith give notice thereof to the commiffioners of his Majefty's customs in *England* or *Scotland*, under whom they refpectively act.*

Certificate to be recited in all transfers of property.

XVII. *And be it further enacted by the authority aforefaid, That when and fo often as the property in any fhip or veffel, belonging to any of his Majefty's fubjects, fhall be transferred to any other or others of his Majefty's fubjects, in whole or in part, the certificate of the registry of fuch fhip or veffel fhall be truly and accurately recited, in words at length, in the bill or other instrument of fale thereof, and that otherwife fuch bill of fale fhall be utterly null and void, to all intents and purpofes.*

XVIII. *And be it further enacted by the authority aforefaid, That*

That when and so often as the master, or other person having or taking the charge or command of any ship or vessel, registered in manner herein-before directed, shall be changed, the master or owner of such ship or vessel shall deliver to the person or persons herein-before authorised to make such registry, and grant such certificates of registry, at the port where such change shall take place, the certificate of registry belonging to such ship or vessel; who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this act; who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof to the commissioners of his Majesty's customs in *England and Scotland* respectively.

Changes of masters of vessels to be indorsed on certificates of registry, &c.

XIX. *And whereas many frauds are committed by the frequent change of names given to ships and vessels, and the difficulty of comparing the entry in the book of registers, herein-after directed to be kept by all such person or persons as are authorised to register ships and vessels, and to grant certificates of the same, with the registers of which they claim the benefit, is thereby greatly increased; be it therefore enacted by the authority aforesaid,* That it shall not be lawful for any owner or owners of any ship or vessel to give any name to such ship or vessel, other than that by which she was first registered in pursuance of this act; and that the owner or owners of all and every ship or vessel which shall be so registered, shall, within one month from the time of such registry, paint or cause to be painted, in white or yellow letters, of a length not less than four inches, upon a black ground, on some conspicuous part of the stern (provided there shall be sufficient space for that purpose, but if not, then in letters as large as such space will admit) the name by which such ship or vessel shall have been registered pursuant to this act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same; and that if such owner or owners, or master, or other person having or taking the charge or command of such ship or vessel, shall wilfully alter, erase, obliterate, or in anywise hide or conceal, or cause or procure, or permit the same to be done, unless in the case of square-rigged vessels in time of war, or shall in any written or printed paper, or other document, describe such ship or vessel by any name, other than that by which she was first registered pursuant to this act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described, by any other name, to any officer or officers of his Majesty's revenue, in the due execution of his or their duty, then, and in every such case, such owner or owners, master, or other person having or taking the charge or command of such ship or vessel, shall forfeit the sum of one hundred pounds.

No change to be made in ships names, which, and their ports, must be painted conspicuously on the vessels.

Penalty on altering, &c. names.

XX. *And be it further enacted by the authority aforesaid,* That all and every person and persons who shall apply for a certificate of the registry of any ship or vessel, in *Great Britain, Guernsey,*

Persons applying for certificates in Great Britain,

&c. to produce a particular account of the fhips from the builders, and make oath to their identity.

Guernsey, Jersey, or The Ifle of Man, which fhall be built, or whole building fhall be completed after the firft day of *Auguft*, one thoufand feven hundred and eighty-fix, fhall, and they are hereby required to produce to the perfon or perfons authorifed to grant fuch certificate, a true and full account, under the hand of the builder of fuch fhip or vefel, of the proper denomination, and of the time when, and the place where, fuch fhip or vefel was built; and alfo an exact account of the tonnage of fuch fhip or vefel, together with the name of the firft purchafer or purchafers thereof, (which account fuch builder is hereby directed and required to give under his hand, on the fame being demanded by fuch perfon or perfons fo applying for a certificate as aforefaid); and fhall alfo make oath, before the perfon or perfons herein-before authorifed to grant fuch certificate (which oath he or they are hereby authorifed to adminifter) that the fhip or vefel for which fuch certificate is required, is the fame with that which is fo defcribed by the builder as aforefaid.

Persons making application in the colonies, after Jan. 1, 1787, to conform to the particulars in the laft claufe.

XXI. And be it further enacted by the authority aforefaid, That all and every perfon or perfons who, from and after the firft day of *January*, one thoufand feven hundred and eighty-feven, fhall apply for fuch certificate, as aforefaid, in any of his Majesty's faid colonies, plantations, or territories, fhall, before fuch certificate is granted, produce the like account, under the hand of the builder, and take the like oath as is herein-before required to be produced and taken by perfons applying for the like certificate in *Great Britain*.

If certificates be loft, new ones to be granted, according to act 15 Geo. 2. c. 31.

XXII. And be it further enacted by the authority aforefaid, That if the certificate of the registry of any fhip or vefel which fhall be obtained in purfuance of this act, fhall happen to be loft or miflaid, a register and certificate *de novo*, in the form herein-before directed, fhall be granted for fuch fhip or vefel, according to the regulations contained in an act, paffed in the fifteenth year of the reign of his late majesty King *George the Second*, intituled, *An act for further regulating the plantation trade; and for relief of merchants importing prize goods from America; and for preventing collufive captures there; and for obliging the claimers of vefels feized for exportation of wool, or any unlawful importation, to give security for cofts; and for allowing Eaft India goods to be taken out of warehouses, in order to be cleaned and refrefhed.*

Security to be given, on receiving fresh certificates, and oath made as herein-before directed, inftead of the oath 15 Geo. 2. c. 31.

XXIII. Provided always, and be it further enacted by the authority aforefaid, That in every fuch cafe fuch security fhall be given as is herein-before directed; and that in lieu of the oath directed to be taken by the faid recited act, the like oath fhall be taken and fubfcribed, as is herein-before directed to be taken and fubfcribed by the owner or owners of fuch fhips and vefels as are required to be registered by virtue of this act.

Ships, if altered, muft be re-registered a-

XXIV. And be it further enacted by the authority aforefaid, That if any fhip or vefel, after fhe fhall have been registered purfuant to the directions of this act, fhall in any manner whatever be altered in form or burthen, by being lengthened or built upon,

upon, or shall be altered from a sloop to a brigantine, or from any one denomination of a vessel to another, by the mode or method of rigging or fitting, in such case such ship or vessel shall be registered *de novo*, in manner herein-before required, as soon as she returns to the port to which she belongs, or to any other port in which she may be legally registered by virtue of this act, on failure whereof such ship or vessel shall to all intents and purposes be considered, and deemed and taken to be a foreign ship or vessel.

XXV. And be it further enacted by the authority aforesaid, That the owner or owners of all such ships and vessels as shall be taken by any of his Majesty's ships or vessels of war, or by any private or other ship or vessel, and condemned as lawful prize in any court of admiralty, shall, upon registering such ship or vessel, before he or they shall obtain such certificate as aforesaid, produce to the proper officer of his Majesty's customs a certificate of the condemnation of such ship or vessel, under the hand and seal of the judge of the court in which such ship or vessel shall have been condemned (which certificate such judge is hereby authorized and required to grant), and also a true and exact account, in writing, of all the particulars contained in the certificate herein-before set forth, to be made and subscribed by one or more skilful persons to be appointed by the court to survey such ship or vessel; and shall also make oath before the said officer (which he is hereby authorized and required to administer) that such ship or vessel is the same vessel which is mentioned in the certificate of the judge aforesaid.

XXVI. Provided always, and be it further enacted by the authority aforesaid, That no ship or vessel which shall be taken and condemned as prize in any court of admiralty as aforesaid, shall be registered in the islands of *Guernsey*, *Fersey*, or the *Isle of Man*, although belonging to his Majesty's subjects residing in those islands, or in some one or other of them: but in order that the duties now by law due and payable to his Majesty on such ships and vessels may be levied and collected, the same shall be registered either at *Southampton*, *Weymouth*, *Exeter*, *Plymouth*, *Falmouth*, *Liverpool*, or *Whitehaven*, by the collector and comptroller at such ports respectively, who are hereby authorized and required, after the receipt of the said duties, to register such ship or vessel, and to grant a certificate thereof, in the form, and under the regulations and restrictions in this act contained.

XXVII. And be it further enacted by the authority aforesaid, That in all the cases where any ship or vessel, so taken and condemned as aforesaid, in any of his Majesty's colonies, plantations, islands, or territories, aforesaid, shall be registered, and obtain a certificate of such registry, in manner herein-before directed, an exact and particular account shall be subjoined to such certificate, of the sum for which such ship or vessel shall have been sold, verified by the oath of the person or persons who shall apply for such registry and certificate, in order that the aforesaid duties due and payable to his Majesty may be the better levied

new, or to be deemed foreign.

The condemnation of prizes, and the particulars of the vessels, &c. must be produced, to entitle to a certificate of registry.

Prizes condemned in Guernsey, &c. to be registered at Southampton, &c.

The sum on oath, for which a prize sold in the colonies, to be subjoined to the certificate.

and collected, upon the arrival of such ship or vessel in any port or place of *Great Britain* where such duties are by law due and payable.

XXVIII. *And whereas the trade to and from his Majesty's European dominions, and the colonies, plantations, islands, and territories, in Asia, Africa, and America, to his Majesty belonging, is now by law confined to such ships only as are of the built of Great Britain and Ireland, the islands of Guernsey, Jersey, and Man, and of the said colonies, plantations, islands, and territories: and whereas ships wholly owned by British subjects, and navigated according to law, can be legally used and employed only in the European trade of this kingdom, and the same are, by virtue of this act, allowed to be continued in the said trade until the same shall be worn out; and it is therefore necessary to distinguish such ships and vessels respectively in the certificates to be granted pursuant to this act; be it therefore enacted by the authority aforesaid, That the certificates which shall hereafter be granted in pursuance of this act, shall distinguish whether such ships or vessels be of the built of Great Britain or Ireland; Guernsey, Jersey, or the Isle of Man, or the colonies, plantations, islands, or territories aforesaid, or of any foreign country; and shall, if British built, be intituled, Certificate of British Plantation Registry; and if such ships be foreign-built, shall be intituled, Certificate of Foreign Ships Registry for the European Trade, British Property, as the case may be.*

XXIX. *And whereas many foreign-built ships and vessels belonging to, or pretending to belong to, his Majesty's subjects, have by fraudulent contrivances, and under false pretences, obtained registers, by virtue of which such ships and vessels are at present used and employed, contrary to the laws now in force, in the trade to and from his Majesty's colonies, plantations, islands, or territories, in Asia, Africa, and America; and it is therefore expedient and necessary, for detecting the frauds at present committed, and for preventing the same in future, that all registers heretofore granted should be called in, and delivered up to the proper officer to be cancelled, and that new registers, of the form herein-before described, should be granted in lieu thereof, in the manner herein-before directed, to all such ships or vessels as shall appear to be legally entitled to the same: and whereas it is expedient to specify and direct at what time, and in what manner, all other ships and vessels, which are not now by law required to be registered, should hereafter be registered, according to the intent and meaning of this act, and should receive certificates according to the form and in the manner herein-before directed: be it therefore enacted by the authority aforesaid, That the commissioners of his Majesty's customs in England and Scotland, respectively, be authorized and required, and they are hereby authorized and required, to give publick notice, by all such ways and means as they shall judge most proper and effectual, that within a certain reasonable time or times as may be best adapted to the distance of the ports to which the ships and vessels owned by his Majesty's subjects shall respectively belong, to be by them specified and published, certificates of registry, according to the form herein-before described, will be ready*

Certificate to express in what part the ship was built.

Ships already registered to exchange their certificates for new ones; and others now required to be registered, to apply for certificates, &c.

ready to be granted, in manner herein-before directed, to all such ships and vessels as shall be legally entitled thereunto; and that the owner or owners of every such ship or vessel, not heretofore required to be registered, shall, on the first arrival of every such ship or vessel at the port or place to which she belongs, after the expiration of the notice herein-before directed, cause such ship or vessel to be registered, and shall obtain a certificate thereof, in manner herein-before directed; and that the owner or owners of any ship or vessel, which shall have been heretofore registered, shall in like manner, upon the first arrival of such ship or vessel at the port or place to which she belongs, after the expiration of the notice herein-before directed, cause such ship or vessel to be again registered, and obtain a certificate thereof, according to the form and in the manner herein-before described, and shall then deliver up the register before granted, if the same be not lost or mislaid; and if the same shall have been lost or mislaid, shall make oath before the proper officer of the customs, that such register has been lost or mislaid, and shall give security in like manner as is directed and required by the said act passed in the fifteenth year of the reign of his late majesty King George the Second, in the case of registers and certificates *de novo*.

XXX. And be it also enacted by the authority aforesaid, That, from and after the expiration of the notice herein-before directed, twelve months shall be allowed to all ships and vessels belonging to any of the ports of *Great Britain*, or the islands of *Guernsey*, *Jersey*, or *Man*, to be registered and obtain certificates according to the form and in the manner herein-before described; and that, in like manner, from and after the expiration of the notice herein-before directed, eighteen months shall be allowed to all ships and vessels belonging to any of the ports in his Majesty's colonies, plantations, islands, or territories in *Africa* or *America*, to be registered, and to obtain certificates according to the form, and in the manner herein-before described; and that, in like manner, from and after the expiration of the notice herein-before directed, thirty months shall be allowed to all ships and vessels trading or fishing beyond the *Cape of Good Hope*, or *Cape Horn*, to be registered, and obtain certificates according to the form, and in the manner herein-before described: and that at the end of the said term of twelve months, with respect to such ships and vessels as belong to the ports of *Great Britain*, and the islands of *Guernsey*, *Jersey*, or *Man*; and in like manner, at the end of the said term of eighteen months, with respect to all ships and vessels that belong to any of the ports of his Majesty's colonies, plantations, islands, or territories, in *Africa* or *America*; and in like manner, at the end of the said term of thirty months, with respect to all ships and vessels trading or fishing beyond the *Cape of Good Hope*, or *Cape Horn*, no other register or certificate shall be of force or effect, except such as shall be granted in pursuance of this act; and that all other registers and certificates shall from thenceforth be utterly null and void, to all intents and purposes whatsoever.

Times allowed for obtaining such certificates.

XXXI. Pro-

Certificates may be granted, where, from unavoidable necessity, application could not be made in time limited.

XXXI. Provided nevertheless, and be it further enacted by the authority aforesaid, That in case it shall happen that any such ship or vessel, from any unavoidable necessity, or reasonable cause, shall not return to the port to which she belongs within the time herein-before limited, it shall and may be lawful for the commissioners of his Majesty's customs in *England* and *Scotland* respectively for the time being, and they are hereby required, upon proof being made to their satisfaction of such unavoidable necessity or reasonable cause, to cause such ship or vessel to be registered upon the terms and conditions, and under the regulations and restrictions directed and required by this act; any thing herein contained to the contrary thereof notwithstanding.

Ships leaving port without certificates to be forfeited.

XXXII. And be it further enacted by the authority aforesaid, That no ship or vessel, which by this act is directed to be hereafter registered, or which is directed, instead of the register now required by law, to take out a new register, according to the form, and in the manner herein-before described, shall be permitted, after her first arrival at the port to which she belongs, at the expiration of the notice herein-before directed, to clear outwards to foreign parts or coastwise, or to proceed to sea in order to fish on the coasts, or for any other purpose whatever, as a *British* ship or vessel, or shall be in anywise entitled to the privileges of a *British* ship or vessel, unless the owner or owners thereof shall have obtained a certificate according to the form, and in the manner herein-before described; and in case any such ship or vessel shall depart from such port without being registered, and without having obtained a certificate as aforesaid, every such ship or vessel shall be subject to forfeiture, and also all the guns, furniture, ammunition, tackle, and apparel, to such ship or vessel belonging.

If ships be found without the port to which they belong, without certificates, bond must be given that they shall be procured.

XXXIII. And be it further enacted by the authority aforesaid, That if, after the expiration of the notice aforesaid, any ship or vessel (being square rigged) shall be found in any port within the distance of twenty leagues by water from the port to which she belongs, or if any vessel, not being square rigged, be found within any port, other than that to which she belongs, without having obtained the certificate of registry herein-before directed, it shall and may be lawful to and for the principal officer or officers of such port, and he or they is and are hereby required to detain such ship or vessel, until the master, or other person having or taking the charge or command thereof, shall, if such ship or vessel be under the burthen of fifty tons, give security by bond in the penalty of fifty pounds, in manner herein-after directed; and if such ship or vessel shall exceed the burthen of fifty tons, and shall not exceed that of one hundred tons, then until the master, or other person having or taking the charge or command thereof, shall, in like manner, give security by bond in the penalty of one hundred pounds; and if such ship or vessel shall exceed the burthen of one hundred tons, then until the master, or other person having or taking the charge or command thereof,

thereof, shall, together with one sufficient security, (to be approved by such principal officer or officers), give bond to his Majesty, his heirs and successors, to be taken by such officer or officers, in the penalty of two hundred pounds, with condition that such master, or other person so having or taking the charge or command of every such ship or vessel, shall forthwith repair with her, as soon as conveniently may be, (or being employed in the fishery on the banks of *Newfoundland*, and parts adjacent, at the end of the fishing season), to the port to which she belongs, and there cause her to be registered, and procure a certificate of such registry, in the form and manner herein-before directed, and produce and deliver to such officer or officers such certificate of registry, within the time limited in the condition of such bond; which limitation of time such officer or officers is and are hereby authorised to fix, according to the distance which such ship or vessel may be from the port to which she belongs, and the nature of the voyage in which she may then be engaged, and on failure of producing and delivering such certificate as aforesaid, such bond shall be forfeited; but if such certificate shall be produced and delivered to such officer or officers within the time so limited in the bond, such bond shall be void and of none effect, and he or they is and are hereby authorised and required to cancel the same: and in case any square rigged ship or vessel, after the expiration of the notice aforesaid, shall be found in any port distant more than twenty leagues by water from the port to which she belongs, or that the water at the entrance of the port to which such ship or vessel belongs shall be so shallow as not to admit her entrance into the same, without endangering the safety of such ship or vessel, the master, or other person having the charge or command of such ship or vessel, shall, within forty-eight hours after his arrival at such port as aforesaid, make known his arrival to the collector and comptroller of the customs, or other principal officer of such port, and shall require such collector and comptroller, or other principal officer, to cause his ship or vessel to be surveyed by the proper officer at such port, who shall be appointed pursuant to the directions of this act to survey ships and vessels there, and who shall accordingly make a perfect and accurate survey thereof, and certify the several particulars thereof in like manner as is herein-before directed, and such collector and comptroller, or other principal officer, shall immediately transmit the said certificate of survey to the persons authorised to register ships and vessels, and grant certificates of registry, at the port to which such ship or vessel belongs, who thereupon, and upon all the other requisites of this act being complied with, shall register such ship or vessel, and grant a certificate of the registry thereof pursuant to this act; and it shall and may be lawful to and for the collector and comptroller, or other principal officer or officers of the customs in the port where such ship or vessel shall be so found, and he or they are hereby authorised and required to detain such ship or vessel until a perfect and accurate

If square rigged vessels cannot enter the ports to which they belong, certificates may be obtained upon their being surveyed, &c. at the port where they touch.

accurate furvey thereof fhall be made in manner herein-before directed.

Certificates of registry to be produced at every port, on penalty of 300l.

XXXIV. And be it further enacted by the authority aforefaid, That after the expiration of the notice herein-before required, the mafter, or other perfon having or taking the charge or command of every fhip or vefel which fhall have been regiftred, and fhall have procured a certificate of the registry, according to the direCTIONS of this act, fhall, upon demand, produce fuch certificate of registry to the principal officer or officers of every port in his Majesty's dominions, or to the *British* conful or chief *British* officer in any foreign port in which fuch fhip or vefel fhall arrive, for the infpection of fuch officer or officers, *British* conful, or chief *British* officer, in order to fatisfy him or them that the has been properly regiftred, under the penalty of one hundred pounds.

Certificates, &c. to be numbered, and an account of them to be transmitted to the commissioners of customs.

XXXV. And be it further enacted by the authority aforefaid, That the proper officer at every port and place where regifters and certificates fhall be granted in purfuanee of this act, fhall progrefively number the fame as they fhall be feverally granted, beginning fuch progrefive numeration at the commencement of each and every year; and fhall enter an exact copy of every fuch certificate, with the number thereof, in a book to be kept for that purpofe; and fhall alfo forthwith, or within one month at the furtheft, transmit to the commissioners of his Majesty's customs in *London* and *Edinburgh*, under whom they refpectively act, a true and exact copy, together with the number of every certificate which fhall be by him fo granted; and that if any fuch officer or officers fhall neglect or refufe fo to do, he or they fo offending fhall, for the firft offence, forfeit the fum of one hundred pounds, and fhall, for the fecond offence, forfeit the fum of two hundred pounds, and be difmiffed from his or their office or offices.

Penalty for neglect.

Copies of certificates granted in Scotland to be annually tranfmitted to the custom-house in England.

XXXVI. And be it alfo further enacted by the authority aforefaid, That the commissioners of his Majesty's customs in *Scotland* fhall in like manner tranfmit, at the end of every month in each year, to the commissioners of his Majesty's customs in *England*, true and exact copies of all fuch certificates as fhall be granted by them, or by any officer or officers within the limits of their commiffion, in purfuanee of this act.

Sums to be paid on firft registry of fhips built prior to May 1, 1786, in lieu of ftamp-duties, &c.

XXXVII. And be it further enacted by the authority aforefaid, That in lieu of all ftamp-duties now by law impofed on fuch bonds as fhall be entered into by the owner or owners of any fhip or vefel built before the firft day of *May*, one thoufand feven hundred and eighty-fix, or by any perfon or perfons on their behalf, upon fuch fhip or vefel being firft regiftred, and obtaining a certificate, in purfuanee of this act, there fhall be paid the fum of one fhilling, and no more; and that in lieu of all fees and perquifites now payable to any perfon or perfons, on the registry of any fhip or vefel, fo built before the faid firft day of *May*, one thoufand feven hundred and eighty-fix, there fhall be paid

paid on the first registry of every such ship or vessel, pursuant to this act, the following sums, and no more; (that is to say), By all ships or vessels decked, or of the burthen of fifteen tons, and not exceeding fifty tons, the sum of one shilling and sixpence, and no more; and by all ships or vessels exceeding fifty tons, and not exceeding one hundred tons, the sum of two shillings and sixpence, and no more; and by all ships or vessels exceeding one hundred tons, and not exceeding two hundred tons, the sum of three shillings and sixpence, and no more; and by all ships or vessels exceeding two hundred tons, the sum of five shillings, and no more; which several sums shall be payable to such officers respectively, in the same shares and proportions in which the sums now payable are distributed: provided always, That the stamp-duties, fees, and perquisites now due and payable upon the registry of, or transfer of property in any ship or vessel, shall continue to be paid as heretofore, save and except upon the first registry in pursuance of this act, of any ship or vessel built and registered before the first day of *May*, one thousand seven hundred and eighty-six.

Stamp-duties to continue to be paid, on transfers of property.

XXXVIII. *And whereas, since the conclusion of the late war, registers have been granted or promised to ships and vessels not thereunto by law entitled, by his Majesty's governors, or by the officers of his Majesty's customs, in consideration of services rendered to the publick by the owners of such ships and vessels, at the time of evacuating the countries, or towns, and posts held by his Majesty's forces in the countries now belonging to the united states of America, or in consideration of the removal of families, to whom such ships and vessels belong, into the countries now belonging to his Majesty: and whereas registers have also in some cases been so granted or promised to other ships and vessels, by the governors of his Majesty's colonies, plantations, islands, and territories under misconception of the laws relating thereto, and the property of such ships or vessels has bona fide, and without fraud, been transferred to others of his Majesty's subjects, who under the protection thereof now use and employ such ships and vessels: and whereas it may be therefore just and reasonable, in particular cases, where no fraud or collusion shall appear to have been practised, that such ships and vessels should be admitted to a registry, and that a certificate should be granted to the owners thereof pursuant to this act: be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, by and with the advice of his privy council, to order any such ship or vessel, under the circumstances before mentioned, to be registered, and to have a certificate thereof, according to the form and in the manner herein-before described and directed, if his Majesty in his wisdom shall think fit; and in case suit shall have been commenced for the condemnation of such ship or vessel, it shall and may be lawful for his Majesty, by order in council, to direct all proceedings thereupon to be staid, either absolutely, or upon such terms or conditions as his Majesty shall think fit.*

Privy council may order ships to be registered, to whom they have been granted or promised in consideration of their services, though not otherwise entitled thereto, &c.

XXXIX. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for any governor, lieutenant governor,*

Suits commenced in the colonies touching registers granted such ships may be stopt till his Majesty's pleasure be known.

governor, or commander in chief of any of his Majesty's colonies, plantations, islands, or territories, and they are hereby respectively authorized and required, in any of the cases aforesaid, if any suit, information, libel, or other prosecution or proceeding of any nature or kind whatever shall have been commenced, or shall hereafter be commenced, in any court whatever, in any of the said colonies, plantations, islands, or territories, respectively, touching the force and effect of any register granted to any ship or vessel, in any of the circumstances aforesaid, upon a representation made to any such governor, lieutenant governor, or commander in chief, to cause all proceedings thereon to be staid, if he shall see just cause so to do, until his Majesty's pleasure be known, and certified to him by his Majesty, by and with the advice of his privy council; and such governor, lieutenant governor, or commander in chief, is hereby required to transmit to one of his Majesty's principal secretaries of state, to be laid before his Majesty in council, an authenticated copy of the proceedings in every such case, together with his reasons for causing the same to be staid, and such documents (properly verified) as he may judge necessary for the information of his Majesty.

Penalty on neglect of duty.

XL. And be it further enacted by the authority aforesaid, That if any person or persons authorized and required by this act, in respect of his or their office or offices, to perform any act or thing directed and required to be done or performed pursuant to any of the provisions of this act, shall wilfully neglect or refuse to do or perform the same, according to the true intent and meaning of this act, every such person or persons so neglecting or refusing shall, on being, duly convicted thereof, forfeit the sum of five hundred pounds, and for the second offence shall forfeit, in like manner, the sum of five hundred pounds, and shall from thenceforth be rendered incapable of serving his Majesty in any office or employment relative to the revenue, or in any civil capacity whatever.

Persons making false oaths guilty of corrupt perjury; and falsifying or using false certificates to forfeit 500l.

XLI. And be it further enacted by the authority aforesaid, That if any person or persons shall falsely make oath to any of the matters herein-before required to be so verified, such person or persons shall suffer the like pains and penalties as are incurred by persons committing wilful and corrupt perjury; and that if any person or persons shall counterfeit, erase, alter, or falsify any certificate required or directed to be obtained by this act, or shall knowingly or wilfully make use of any certificate so counterfeited, erased, altered, or falsified, such person or persons shall, for every such offence, forfeit the sum of five hundred pounds.

How penalties are to be recovered, and what is the officers share.

XLII. And be it further enacted by the authority aforesaid, That all the penalties and forfeitures inflicted and incurred by this act shall and may be sued for, prosecuted, and recovered in such courts, and be disposed of in such manner, and by such ways, means, and methods, as any penalties or forfeitures inflicted, or which may be incurred, for any offence committed against the laws of customs, may now legally be sued for, prosecuted,

seized, recovered, and disposed of; and that the officer or officers concerned in seizures or prosecutions under this act, shall be entitled to and receive the same share of the produce arising from such seizures, as in the case of seizure for unlawful importation, and to such share of the produce arising from any pecuniary fine or penalty, for any offence against this act, as any officer or officers is or are now by any law or regulation entitled to, upon prosecutions for pecuniary penalties.

XLIII. And it is hereby declared and enacted by the authority aforesaid, That all and every matter contained in the said herein-before recited acts, or in any act or acts of parliament heretofore passed, touching the trade, shipping, and navigation of *Great Britain*, and the colonies, plantations, islands, and territories aforesaid thereunto belonging, which is not hereby expressly altered or repealed, shall remain and continue in full force and effect, to all intents and purposes whatever; and so far as the same relate to the registry of ships and vessels, shall be deemed and taken to extend and apply in every respect to all ships and vessels authorized and required by this act to be registered, and to have certificates of registry.

All acts relative to trade to remain in force, except such parts as are hereby repealed.

XLIV. And be it enacted by the authority aforesaid, That the ships and vessels belonging to his Majesty's subjects residing in the kingdom of *Ireland*, being duly qualified and registered according to the laws now in force, shall continue to enjoy all the privileges and advantages to which such ships and vessels were by law intitled before the passing of this act, until the end of four calendar months from the commencement of the first session of the parliament of *Ireland* which shall hereafter sit, during the space of four calendar months, without prorogation or dissolution; and that from the end of that time, every ship or vessel which shall, by virtue of the authority of any act that may be passed in the said parliament of *Ireland*, be qualified and registered in any of the ports of the said kingdom of *Ireland*, under similar regulations and restrictions to those herein-before contained, shall continue to enjoy, to all intents and purposes whatsoever, all the privileges and advantages of a *British*-built ship, or foreign built ship owned by his Majesty's subjects, as the case may be, according to the provisions of this act.

Ships of *Ireland* lawfully qualified and registered there, to enjoy the privileges of *British*-built ships, &c.

C A P. LXI.

An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty-six; and for further appropriating the supplies granted in this session of parliament.

2,600,000l. granted out of the sinking fund, for the service of the current year; to be issued by the treasury accordingly. Treasury impowered to raise the sum of 2,600,000l. or any part thereof, by loans or exchequer bills, on the credit of the sinking fund. All persons who shall lend any money upon the credit of this act to have a tally of loan, with orders for repayment of the money, with interest. Orders to be registered in court. No undue preference to be given in payment. No fee

to

to be taken, for books or registers, or entries, views, or searches, on forfeiture of treble damages, with full costs. Penalty of undue preference in point of registry or payment of the value of the debt. Auditor, etc. neglecting his duty, liable for damages, and costs; to be recovered at Westminster. No undue preference in the registering, where orders are brought the same day; nor if subsequent orders are paid before others not brought in course, so as money be reserved for the preceding orders. Power of assignment, and method of transferring of orders by indorsement, and to be entered with the auditor. If it shall be judged more advisable, the treasury may raise the said sum by exchequer bills instead of loans; and the bills in such case to be made in the manner prescribed by the land tax act of this session. All advantages and penalties in the said act of this session, relating to loans or exchequer bills thereby authorised to be made forth, extended to this act. The said exchequer bills, interest, and charges, are to be paid out of the sinking fund. Bank authorised to lend to his Majesty the sum of 2,600,000l. notwithstanding an act of 5 and 6 Gul. & Mariae. The sum of 582,488l. 15s. 9d. 3q. remaining in the exchequer on Jan. 5, 1786; 628,982l. 0s. 1d. surplus of sinking fund, April 5, 1786; 82,386l. surplus of 6d. deduction on salaries &c. April 5, 1786; 16,491l. 5s. surplus of wine duties, granted by 18 Geo. 2. April 5, 1786; after payment of annuities on single lives by said act to Jan. 5, 1786; 20,281l. 15s. surplus of glass duties, remaining April 5, 1786, after paying annuities on lives granted by 19 Geo. 2. c. to Jan. 5, 1786; 12,735l. 15s. surplus of vellum duties, etc. remaining at April 5, 1786, after paying annuities on lives granted by 30 Geo. 2. c. to Jan. 5, 1786; 40,414l. 9s. 5d. 3q. surplus of 2-7ths excise, remaining in the exchequer, April 5, 1786, granted by 5 & 6. W. and M. after satisfying charges thereon, for the half year then ended; 100,508l. 13s. 1d. 3q. of imprest, and other money remaining in the exchequer for disposition of parliament; 290,810l. 4s. 6d. 1q. surplus of grants for land services in 1784, remaining in the exchequer; and 21,568l. 13s. 2d. 3q. surplus for Chelsea hospital, for the year 1785, remaining in the exchequer to be issued towards the supply, by order of the treasury; 65,575l. 4s. 1d. 2q. of army savings in 1785, to be applied towards the extraordinary expenses of the land forces, from Dec. 24, 1784, to Dec. 24, 1785, not provided for. Monies arising by the land tax act, malt act, loans, (1,500,000l.) c. 32. further loans, (1,000,000l.) c. 33. further bills, (3,000,000l.) lottery act, and also 582,488l. 15s. 9d. 3q. remaining in the exchequer, Jan. 5, 1786, surplus of the sinking fund subject to disposition of parliament; 628,982l. 1d. overplus of grants in 1786; 82,386l. surplus of fixpence deductions; 16,491l. 5s. surplus of wine duties; 20,281l. 15s. surplus of glass duties; 12,735l. 15s. surplus of vellum duties; 40,414l. 9s. 5d. 3q. surplus of two sevenths excise; 100,508l. 13s. 1d. 3q. of imprest; and also 290,810l. 4s. 6d. 1q. for land forces, etc. 1784; 21,568l. 13. 2d. 3q. for Chelsea hospital, for 1785; 2,600,000l. granted by this act out of the sinking fund, shall be applied (with the residue of the monies arising from the sale of French prizes, taken before the war in 1756, to the uses following; 2,428,326l. 18s. 8d. for naval services, viz. for victuals, wear and tear of the navy, and the victualling thereof, for the office of ordnance for sea service, for ordinary of navy, for half pay to sea and marine officers; and for maintaining 3620 marines, and rebuilding and repairing ships of war for 1786; 287,096l. 17s. 1d. for the charges of the office of ordnance, for land service, 1786; 59,781l. for completing works at Portsmouth, and Plymouth; 1,978,154l. 15s. 0d. 3q. towards maintaining the land forces, etc. viz. 647,005l. 8d. for defraying the charge of 17,638 effective men, officers, etc. 234,160l. 5s. 11d. for forces in the plantations, and Gibraltar, for 1786; 6,358l. 3s. for difference between British and Irish establishments of six regiments, of foot at Gibraltar, in North America, and the West Indies, etc. for the same year; 6,409l. 8s. for pay of general and staff officers, in Great Britain, for the same year; 24,378l. 7s. 8d. 2q. for supernumerary officers, etc. for 365 days in the same year; 8,230l. 8s. 7d. 1q. for 1 regiment of light dragoons, and 5 battalions of foot, serving in the East Indies, for 1786; 59,340l. 13s. 5d. to the paymaster general, secretary at

at war, commiffary general of mufters, judge advocate general, comptrollers of accounts, etc. for exchequer fees and for poundage, for the fame year; 11,409l. 7s. 6d. for widows penfions, for the fame year; 172,666l. 10s. 5d. for reduced officers, for the fame year; 333l. 9s. 7d. for reduced officers, etc. of the horfe guards, for the fame year; 175,016l. 7s. 9d. for Chelsea hospital, for the fame year; 53,502l. 17s. 2d. for officers of British American forces, for the fame year; 3,535l. 6d. for officers late in the fervice of the ftates general, for the fame year; 2,377l. 8d. 2q. for difference between the British and Irish eftablifhments for feveral battalions in 1784 and 1785; 364l. 5s. 11d. for difference between British and Irish eftablifhments for four companies of foot in 1786, for 275 days; 573,087l. 8s. 2d. 2q. for extraordinary expences of land forces, to Dec. 25, 1785, not provided for; 180,000l. to difcharge exchequer bills of 22 and 23 Geo. 3; 30,000l. to difcharge arrears of civil lifts to Jan. 5, 1786; 1,500,000l. to difcharge exchequer bills of 25 Geo. 3; 1,000,000l. more for paying off exchequer bills, 25 Geo. 3; 1,000,000l. for paying off bills made out by virtue of another act of the fame year; 2,000,000l. for paying off bills of 21 Geo. 3; 12,259l. 9s. 2d. iffued in purfuance of addreffes of the houfe of commons; 25,000l. towards carrying on the buildings at Somerfet houfe; 6,000l. for erecting a houfe adjoining the Admiralty, to keep books, papers, etc. in; 3,851l. 17s. 6d. for the civil eftablifhment of Nova Sc6tia; 1,900l. for the civil eftablifhment of the ifland of St. John in America; 1,826l. 15s. 7d. 1q. for a demand due to the late John Ellis, efq. late agent for the province of Weft Florida, furplus of his account between June 24, 1772, and June 24, 1776; 2,660l. for the civil eftablifhment of the Bahama Iflands, in addition to falaries on duty fund, charges from Jan. 1, 1786, to Jan. 1, 1787; 2,100l. for the ifland of Cape Breton, to June 24, 1787; 580l. for the falary of the chief juftice of the Bermudas, to June 24, 1787; 4,300l. for the civil eftablifhment of New Brunfwick in America to the fame time; 13,000l. for forts, etc. in Africa; 6,500l. for purchafing lands in St. Vincent; 6,356l. for the purchafe of the foil of the Bahama Iflands; 9,000l. to the commiffioners of publick accounts; 1,000l. to make good a like fum iffued to the fecretary to the faid commiffioners; 1,681l. 18s. 4d. for profecution of coiners; 14,939l. 5s. 0d. 1q. for the mint, in 1785; 5,784l. for new roads, etc. in the highlands, in 1786; 10,000l. to the commiffioners for enquiring into claims of American loyalifts, without fee; 178,750l. to perfons who have proved loffes in America, by act 23 Geo. 3. c. Proportions to American fufferers, to be not more than 40l. per cent. to thofe bearing arms, and 30l. per cent. to thofe other resident in America during the war; 55,000l. for relief of American civil officers, etc. for one year; 3,888l. 4s. to make good a like fum iffued to the fecretary of the commiffioners; 62,059l. 5s. to make good a like fum iffued to American civil officers; 3,750l. 14s. to make good a like fum paid to Tho. Cotton, efq. for fees at the exchequer, on receipt of 50,000l. granted to loyalifts laft feffion; 2,426l. 9s. to make good a like fum iffued to the faid Tho. Cotton, Tho. Dundas, and Jeremy Pemberton, efqrs. for paffage, etc. of commiffioners of American claims, appointed to go to Nova Scotia or other part of American colonies, and the expences of their fecretaries and clerks; 16,061l. 16s. 3d. to make good a like fum iffued to difcharge bills drawn by governors of Nova Scotia, New Brunfwick, and Cape Breton, in America, and expence of convicts at Portfmouth, and Plymouth, etc.; 1,377l. 6s. for damages fufained at Faverfham, in Kent, by the blowing up of powder Mills, in 1781; 4,106l. 10s. to Jofeph Lodin Du Mauvoir, for lofs by feizure of the fhip La Grue, at Portudal, (a French factory), in 1776, by the Lord Dartmouth armed fhip, fent from Fort Louis in the river Senegal for that purpofe, by Matthias Macnamara, efqr. then lieutenant governor, &c. of Senegambia; 2,500l. to Louis Borel, and Abraham Henry Borel, dyers, for the difclofure of a method of dying Turkey Red, upon cotton in hanks, and in the piece; 3,632l. 11s. 5d. for the payment for lands purchafed under act 23 Geo. 3. c. 87; 12,869l. 11s. 7d. 3q. for compensation for lands purchafed near Portfmouth, under 24 Geo. 3. c. 29; 17,388l. 12s. 1d.

for compensation for lands purchased, etc. near Plymouth, under act 24 Geo. 3. c. 29, etc.; 21,560l. 5s. 7d. to Duncan Campbell, esq. for maintaining convicts, etc.; and 31,299l. 10s. for transportation, etc. of convicts; 365,719l. 2s. 4d. 2q. to replace a like sum paid out of the sinking fund for deficiencies of duties on tea, etc. to July 5, 1785; 16,588l. 4s. 6d. 3q. to make good deficiencies of the fund for paying annuities granted 31 Geo. 2. to Jan. 5, 1785; 180,357l. 3s. 6d. 1q. to make good the deficiency on the grant for payment of annuities, 18 Geo. 3. 1778 to July 5, 1785; 15,991l. 5s. 2d. 2q. to make good the deficiency on the grant for payment of annuities, 19 Geo. 3. 1779 to July 5, 1785; 141,864l. 11s. 8d. to make good deficiency on the grant for payment of annuities, 20 Geo. 3. 1770, to the same time; 361,963l. 3s. 4d. to make good the deficiency on the grant for payment of annuities, 23 Geo. 3. 1783, to the same time; 202,581l. 7s. 7d. 2q. to make good the deficiency on the grant for payment of annuities, 24 Geo. 3. 1784, to the same time; 127,138l. 3s. 4d. 5-8ths, to make good deficiencies of grants for 1785. Supplies not to be applied to any other uses than are directed by this act. Rules to be observed in the application of the sum of 172,666l. 10s. 5d. granted last year, for half pay. By an act 25 Geo. 3. a sum not exceeding 197,703l. 7s. 10d. was appropriated to be paid to reduced officers. Overplus monies, above satisfying half pay officers, to be disposed of to officers who were maimed, etc. in the late wars, or to officers widows and children, as his Majesty shall direct.

C A P. LXII.

An act to enable the East India company to raise money by a sale of annuities, and by increasing their capital stock.

Preamble.

WHEREAS the publick stand indebted to the united company of merchants of England trading to the East Indies, in the sum of four millions two hundred thousand pounds, lent, at various times, under the authority of several acts of parliament, for which an annuity is now payable to the said united company, to the amount of one hundred and twenty-six thousand pounds, being an interest on the said debt, at and after the rate of three pounds per centum per annum: and whereas the said united company, pursuant to the powers contained in an act of parliament made in the twenty-third year of the reign of his late majesty King George the Second, intituled, An act for giving further time to the proprietors of annuities 23 Geo. 3. c. 22. at the rate of four pounds per centum per annum, to subscribe the same in the manner and upon the terms therein mentioned; and for redeeming such of the said annuities as shall not be so subscribed; and for empowering the East India company to raise certain sums by transferrable annuities; have borrowed and taken in by subscription, from sundry persons, the sum of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings, by a grant of annuities called India Annuities, which now carry an interest at the rate of three pounds per centum per annum, amounting to the yearly sum of eighty-nine thousand seven hundred and seventy-three pounds, four shillings: and whereas, for the purpose of enabling the said united company to carry on an extended trade, and also to discharge the demands to which they are liable, it is necessary and expedient that the said united company should be enabled to raise a further sum of money than they are now enabled to do: may it therefore please your most excellent Majesty that it may

Recital of act
23 Geo. 3. c.
22.

may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the said united company, and they are hereby authorized and empowered, by and with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, at such time or times, and in such manner, as they shall find to be most for the advantage of the said united company, to borrow and take in; by subscription or otherwise, from any person or persons, bodies politick or corporate, who shall be willing to advance the same, any sum or sums of money, by the sale or mortgage of a fund attended with an annuity at the rate of three pounds *per centum per annum*, not exceeding in the whole the annual sum of thirty-six thousand two hundred and twenty-six pounds, sixteen shillings, being an annuity due to the said united company from the publick, in consideration of one million two hundred and seven thousand five hundred and fifty-nine pounds, fifteen shillings, part of the said sum of four millions two hundred thousand pounds; which said sale shall and may be made at such price or prices as the court of directors of the said united company, by and with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or the high treasurer for the time being, shall think fit; and that from and after the time of such sale, the said annuities shall be paid and transferred in like manner, and the proprietors and holders shall, in all respects, hold their respective shares of the said fund, to be purchased as aforesaid, in like manner, and upon the same terms as the respective present proprietors now hold and enjoy the respective sums belonging to them in the said annuity fund of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings; and the said annuities, so to be sold as aforesaid, shall be consolidated with the said fund of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings; and the said debt of four millions two hundred thousand pounds, due from the publick to the said united company, and the annuities payable in respect thereof, shall be a collateral security to the proprietors and holders of the said annuities, so to be sold or mortgaged as aforesaid, in the same manner as for the said sum of two millions nine hundred ninety-two thousand four hundred and forty pounds, five shillings, heretofore sold under the before recited act of the twenty-third year of the reign of his late majesty King *George* the Second, but subject nevertheless to such and the like proviso, or condition of redemption by the company, as the said sum of four millions two hundred thousand pounds, due to the company by the publick is or shall be subject and liable by any act or acts of parliament.

Company may borrow, with the approbation of the treasury, any sum at 3l. per cent. the annual interest of which does not exceed 36,226l. 16s.

The additional annuities to be paid on the same terms as the money borrowed under the recited act, and secured by the publick in the same manner, &c.

II. And be it further enacted by the authority aforesaid, That Company may add to their

capital stock
800,000l. by
subscription.

it shall and may be lawful to and for the said united company, and they are hereby authorised and empowered, by and with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, at any time or times hereafter, to open books, and to receive subscriptions from any person or persons, natives or foreigners, bodies politick or corporate, for enlarging their present capital stock or fund of three millions two hundred thousand pounds, to any sum not exceeding the further sum of eight hundred thousand pounds capital stock, so as to make their whole capital stock the sum of four millions; which said additional capital stock shall be subscribed and paid for at the rate of one hundred and sixty pounds for every one hundred pounds of such stock, or at such other rate as the court of directors of the said united company, with the consent and approbation of the commissioners of his Majesty's treasury for the time being, or any three or more of them, or of the high treasurer for the time being, shall direct; which said subscription shall be made, and the money for the said additional stock shall be paid in such manner and form, and by such instalments and proportions, as the said court of directors, with such consent and approbation as aforesaid, shall appoint; and the capital stock so subscribed and paid for, shall, from and after the time of such payment, be deemed, considered, and taken, as and for a part of the capital stock of the said company; and the said subscribers, from and after the time of making full payment for the said additional stock, and their respective executors, or administrators and assigns, shall at all times be deemed and reputed to be members of the said united company, and incorporated therewith, and shall be intitled unto, and have, hold, and enjoy all and every the profits, benefits, privileges, advantages, and immunities, and be subject and liable to all and every the regulations, rules and orders, whereto the present stockholders and members of the said united company, in respect of the stock held by, and belonging to them, are respectively intitled, subject, and liable unto, by any act or acts of parliament, charter, or bye-law, or otherwise howsoever; and the said additional stock shall be transferrable and assignable in the like manner, and the proprietors and holders thereof shall hold their respective shares of the said additional stock in like manner, as the respective present stockholders of the said company now do, and hereafter shall hold and enjoy the respective sums now belonging to them in the present capital stock of the said united company; and the same shall, in all respects, be consolidated and united as one joint stock.

Subscribers to
be incorporat-
ed with the
company, etc.

Dividends on
the additional
stock to be
paid as on the
present stock.

III. And be it further enacted by the authority aforesaid, That the said united company shall and may, from time to time, make and pay the like dividends, to the proprietors of the said additional stock, as they now do and hereafter shall and may make and pay to the proprietors and holders of the present stock of the said united company; the first of which said dividends

dends shall commence from such time as shall be specified in the proposals or terms to be offered for the said subscription by the said court of directors, with such consent and approbation as aforesaid.

IV. Provided nevertheless, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said court of directors, with such consent and approbation as aforesaid, to give the option and preference, in subscribing for the said additional stock, to such persons as shall hold the said company's stock at the time or times of such subscription as aforesaid, as far as, and not exceeding the amount of fifty pounds *per centum* on the capital stock which shall then be held by each stockholder so subscribing, for all such sums as they shall subscribe on or before the first day of *September*, one thousand seven hundred and eighty-six; and in case the subscriptions, made by them on or before the said first day of *September*, one thousand seven hundred and eighty-six, shall exceed the sum proposed to be sold at that time, a proportionable deduction shall be made from each subscription; and if such subscription shall, on the close thereof, on the first day of *September*, one thousand seven hundred and eighty-six, fall short of the sum proposed to be sold, the deficiency shall be disposed of to other persons, as the said court of directors, with consent and approbation as aforesaid, shall think fit.

V. Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or restrain the court of directors of the said united company, by and with such consent and approbation as aforesaid, from agreeing with one or more person or persons, bodies politic or corporate, for the sale of the whole of the said annuity hereby authorized to be sold, or for the sale of the said additional capital stock, or for such part or parts thereof respectively as they shall from time to time think fit, and find it necessary and proper to sell; but it shall and may be lawful for the said court, with such consent and approbation as aforesaid, to contract for and agree to sell the whole, or any part thereof, respectively, to one or more person or persons.

VI. And be it further enacted, That, as soon as reasonably may be after the deposit or first payment shall be made for the said annuities, hereby authorized to be sold, or for the said additional stock to be subscribed for, the said company's cashier or treasurer shall give a receipt for the same, and so from time to time as future payments shall be made, which said receipts shall be assignable and transferrable by indorsement thereon; and when the first payment shall be made on the said annuities to be sold, and on the said additional stock to be subscribed for as aforesaid, the holder of such receipt, on delivering up the same, shall have his or her name entered, in proper books to be kept by the said united company for those purposes, with an account of the annuity fund or the capital stock belonging to each proprietor,

prictor, in like manner as the account of the present proprietors of *India* annuities and stock are refpectively kept.

Deposits to be forfeited if fubfcriptions are not duly paid.

VII. Provided always neverthelefs, and be it further enacted, That in cafe any fubfcriber or fubfcribers, after having fubfcribed, fhall fail in making all or any the payments agreed at the refpective times for fuch payments, then, and in every fuch cafe, the faid united company fhall and may take in fubfcriptions for and fell the annuity fund, or ftock fubfcribed for by fuch defaulter, to any other perfon or perfons, and all deposits and payments made by fuch defaulter previous to fuch default, fhall be forfeited to, and become the property of the faid united company.

Guardians may purchafe for infants, etc.

VIII. And be it further enacted by the authority aforefaid, That it fhall and may be lawful for any guardian or trustee having the difpofition of the money of any infant, to purchafe the faid annuities, and fubfcribe and pay for the faid additional ftock, or any part thereof refpectively, upon the terms and conditions contained in this act; and fuch infant, upon the payment of fuch fum or fums by fuch guardian or trustee, fhall be intituled unto the annuities or ftock, fo fubfcribed and paid for on his account, and to all advantages in refpect thereof, in like manner as any other purchafer or fubfcriber; and the faid guardian or trustee, as to the fum or fums advanced by him, fhall be, and is hereby difcharged in refpect thereof, fo as the name of fuch infant fhall be expreffed in the receipt or receipts for fuch money.

Publick act.

IX. And be it further enacted, That this act fhall be deemed and taken to be a publick act; and fhall be judicially taken notice of as fuch, by all judges, juftices, and other perfons whomfoever, without fpecially pleading the fame.

C A P. LXIII.

An act for the further preventing frauds and abufes attending the payment of wages, prize money, and other allowances, due for the fervice of petty officers and feamen on board any of his Majesty's fhips.

Preamble.

WHEREAS great frauds and abufes are daily praftifed in the receiving of feamen's wages, notwithstanding former acts of parliament made for preventing the fame: for remedy whereof, be it enacted by the King's moft excellent majesty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That, from and after the firft day of *Auguft*, one thousand feven hundred and eighty-fix, no letter of attorney, made by any petty officer or feaman in the fervice of his Majesty, his heirs or fucceffors, or letter of attorney made by the executors or administrators of any fuch officer or feaman, in order to impower or entitle any perfon or perfons to receive any wages, pay, or allowances of money of any kind, due or to grow due for fuch fervice, fhall be good and valid, or fufficient for

From Aug. 1, 1786, no letter of attorney of a petty officer, &c. to be valid, unlefs made revocable.

for that purpose, unless such letter of attorney shall be made and declared to be revocable by the express words thereof; and that no letter of attorney, or will, made by any petty officer or seaman in the service of his Majesty, his heirs or successors, whereby any wages, pay, prize money, or allowance of money of any kind, due or to grow due for such service, is authorized to be received or bequeathed, shall be good and valid, and sufficient for the purpose, unless such letter of attorney, or will, if made by any such officer or seaman then in the service of his Majesty, his heirs and successors, shall be signed before, and attested by, the captain, or by the officer then commanding, and one or other of the signing officers of the ship to which such petty officer or seaman shall belong, and shall specify in the body thereof the name of the ship, and also the number at which the maker of such will, or letter of attorney, stands upon the ship's book; or by the agent of any of his Majesty's hospitals or quarters appointed to receive sick and wounded seamen, commonly called *Sick Quarters*, in which such petty officer or seaman may be for the time; and unless such letter of attorney, or will, if made by any such officer or seaman who shall have been discharged from the service of his Majesty, his heirs or successors, or if such letter of attorney is made by the executors or administrators of any such officer or seaman, and made within the bills of mortality of the cities of *London* and *Westminster*, is attested by an officer to be appointed by the treasurer of his Majesty's navy, for the purpose of inspecting the wills, and letters of attorney, of such officers and seamen, or, if made at any of the ports where seamen's wages are paid, is attested by the treasurer of the navy's chief or second clerk there, or if made at any other place, is attested by the minister and churchwardens of any parish in *England* or *Ireland*, or in that part of *Great Britain* called *Scotland*, by the minister and two elders of the parish where such petty officer or seaman, executors or administrators, shall respectively reside.

II. And be it enacted by the authority aforesaid, That every such letter of attorney, and will, shall contain the name of the ship to which the person granting the same last belonged, and also the full description of the residence, profession, or business, of the person to whom or in whose favour the said letter of attorney, or will, is made, and also the day of the month, and place where the said letter of attorney, or will, was executed.

III. And be it enacted by the authority aforesaid, That after such letter of attorney, or will, shall be executed under the hand and seal of the party, and attested in manner above mentioned, the same shall not be delivered to such party himself, or to any person or persons for his behalf, but the same, if executed abroad, shall be, with all convenient speed, sent by the commander of any of his Majesty's ships, or agent of his Majesty's hospitals or sick quarters, at the times when they transmit their respective returns to the navy and sick and hurt boards; or, if

Letters of attorney, &c. to be attested by the captain of the ship, &c.

if made within the bills of mortality, to be attested by an officer appointed for that purpose; if in any other port, by the treasurer of the navy's clerk; and in any other place by the minister, etc.

Particulars to be specified in letters of attorney and wills.

Letters of attorney, etc. to be transmitted to the navy, or sick and hurt boards, etc.

executed in *Great Britain* or *Ireland*, fhall be fent by the commander of any of his Majefty's fhips, agents of his Majefty's hofpitals or fick quarters, treasurer of the navy's clerks, minifter of the parifh, or whoever of them fhall atteft fuch letter of attorney, or will, by the general poft, addreffed to the treasurer or paymafter of the navy, at the navy pay office, *London*.

Letters of attorney, etc to be delivered to the officers appointed to infpect them, who is to register them;

and to examine the fignatures of the witneffes;

and where they appear not to be genuine, to flop them and acquaint the parties thereof.

If genuine, approbation to be ftampd thereon, and kept as vouchers of the navy accounts.

Notice to be fent to the attorneys when powers are approved, and alfo checks to authorize

IV. And be it enacted by the authority aforefaid, That the faid treasurer or paymafter of the navy fhall immediately deliver over the fame to the officer before mentioned, appointed for infpecting the wills and letters of attorney of feamen; which infpector fhall, immediately on receipt of fuch letter of attorney, or will, duly register the fame, in a numerical and alphabetical manner, in a feparate book or books, to be kept by him for the purpofe of regiftrating fuch letters of attorney, and wills, fpecifying the date of fuch letter of attorney, or will, and the place where executed, the name and addition of the perfon in whole favour fuch letter of attorney is granted, and the name and addition of the executor or executors named in fuch wills, and the names and qualities of the witneffes attefting the fame; and the faid infpector is directed and hereby required, if the fame fhall appear to be witneffed by the commander of any fhip, or agent of his Majefty's hofpital or fick quarters, or treasurer of the navy's clerks, to examine and compare his fignature to the attestation of fuch letter of attorney, or will, with that fet and fubjoined to the pay or mufter books of fuch fhip, or with the returns made by the agent of fuch hofpital or fick quarters, or any publick accounts figned by fuch clerk of the treasurer of the navy, to all which documents it is hereby directed he fhall have free accefs at all times, or with any other inftruments which he may have in his poffeffion or power; and in cafe it fhall appear to him that fuch letter of attorney, or will, is not genuine and authentick, he fhall not pafs the fame, but fhall give notice by letter, to be fent by the general poft, to the perfon in whole favour fuch letter of attorney is granted, or perfon or perfons named executor or executors in fuch will, informing him or them that the faid letter of attorney, or will, is ftopd, and the reafon thereof; but if, upon fuch examination and enquiry, it fhall appear to the faid infpector that the faid letter of attorney, or will, is genuine and authentick, he, or a perfon authorized to officiate for him, fhall fign his name to fuch letter of attorney, or will, and alfo put a ftamp thereon, to be made and kept for the purpofe, in token of his approbation thereof; and every fuch letter of attorney fhall be kept as one of the vouchers of the treasurer of the navy's accounts; and the faid infpector fhall, immediately after fuch enquiry and approbation, give notice by letter, to be fent by the general poft to the perfon in whole favour fuch letter of attorney is granted, that he has received and approved of the fame, and he fhall at the fame time fend to fuch attorney a check, fpecifying the number of fuch letter of attorney, the name and addition of the perfon granting the fame, the name and addition of the perfon in whole favour

favour the fame is granted, the date and place when and where executed, and the names of the witneffes attesting the fame, which faid check fhall be figned and ftamped by the faid infpector, or perfon authorized to officiate for him, and fhall to fuch attorney ftand in the place of his original letter of attorney, and fhall be to him a fufficient authority to demand payment of and difcharge all fuch wages, pay, prize money, or allowance of money, to which the perfon granting the fame was entitled for his fervice on board any of his Majefty's fhips; and the faid infpector fhall in like manner give notice, to be fent by the general poft to the perfon or perfons named and appointed executor or executors in fuch will, that fuch will is received and approved of; and the faid infpector fhall number and register the faid will fo figned and ftamped by him as aforefaid, and fhall make out a check, in the manner as above directed with refpect to letters of attorney, which check he fhall forward in like manner to the faid executor or executors, and which fhall be a fufficient authority for them, or for their attorneys, to apply, upon the teftator's death, to the faid infpector, requefting that the will may be directed and fent by him to a proctor in *Dofors Commons*, where they may, on application, obtain probate thereof; which probate, when obtained, fhall be lodged with the faid infpector of feamen's wills, who, or the perfon authorized to officiate for him, is hereby directed to certify, upon the check formerly delivered, that a probate has been granted, and the check fhall then, to fuch executor or executors, ftand in the place of fuch probate, and fhall be to him a fufficient authority to demand payment of and difcharge all fums that fhall be due to him as executor to the party who made the faid will.

V. And be it enacted by the authority aforefaid, That the above-mentioned infpector fhall, in return to all letters of attorney and wills received by him from minifters of parifhes, give notice as aforefaid to the faid minifter who transmitted the fame, and not to the grantor thereof, of his having paffed and approved of fuch letter of attorney, or will, and fend the check by the general poft, made out in the manner above-mentioned, to the faid minifter; and which notice from the faid infpector fhall be addreffed to the minifter of the parifh, (naming the fame), without inferting the name of fuch minifter, to be delivered to him at his manfe or dwelling houfe; and every fuch minifter of a parifh fhall deliver the faid check to the party who executed fuch letter of attorney, or will: and all letters and packets addreffed to, or fent by, the faid treafurer or paymafter of the navy, or infpector to be appointed as aforefaid, fhall, from and after the paffing of this act, be fent and received free from the duty of poftage, in the fame manner, and under the fame reftrictions, as the clerk affiftant, and chief clerk without doors, of the houfe of commons of *Great Britain* now fend and receive the fame.

VI. And be it enacted by the authority aforefaid, That all captains and commanders of fhips fhall, upon their monthly mufter

them to receive the money.

Notice of approbation of wills likewise to be fent, which will authorize the executor to obtain probates.

Probates to be lodged with the infpector, and the fame certified upon the check.

Infpector to fend checks to the minifter who transmits powers of attorney, etc. to be delivered to the grantors.

Letters touching the premises to pafs free of poftage.

Grants of letters of attorney to be in-

ferred in the monthly returns.

The fteps to be taken to recover wages, etc. due to men dying in teftate.

mufter books or returns, fpecify which of the men mentioned in the faid returns have granted any letter of attorney during that month, or fpace of time from the preceding returns, by inferting the date thereof oppofite to the party's name.

VII. And be it enacted by the authority aforefaid, That when any petty officer or feaman belonging, or who fhall have belonged to any of his Majefty's fhips, fhall die inteftate, leaving any wages, pay, prize money, or allowance of money of any kind, due to them in refpect of fuch fervice, the fame fhall not be paid unto any reprezentative of fuch inteftate, but upon letters of adminiftration to be obtained in the following manner; *videlicet*, The perfon claiming fuch adminiftration fhall give in a note or petition to the infpector of feamen's wills, ftating the name of the deceafed, and to what part of his Majefty's dominions he originally belonged, and the name or names of the fhip or fhips on board of which he ferved, together with his own name and addition at full length, and his relation to, or connection with, the deceafed, and alfo what other relations, to the beft of his knowledge, the deceafed has alive at the time, and where they are refident; and which petition fhall be certified by two reputable houfekeepers of the parifh, town, or place where fuch petitioner is refident, certifying that they believe the contents of the faid petition to be true; and which petition and certificate fhall be further certified by the minifter of the parifh, and two of the churchwardens, or two of the elders, certifying that the two perfons who certified the petition, in manner above mentioned, are refident within the parifh, and perfons of good repute: whereupon the infpector of feamen's wills, as aforefaid, fhall make fuch enquiry as to him fhall appear neceffary for afcertaining the truth of the faid petition; and if, upon fuch enquiry, he fhall be fatisfied of the truth thereof, and it alfo appearing that no will of fuch deceafed has been lodged with him, he fhall deliver or fend, to the perfon claiming to be fuch adminiftrator, an abftract of the faid petition, with a note or ticket fubjoined thereto, figned by the faid infpector or perfon authorized to officiate for him, and marked with his ftamp, certifying that the contents of the faid petition appear to him to be true, and that the perfon claiming to be adminiftrator may obtain letters of adminiftration to the deceafed, provided he is otherways entitled thereto by law; which certificate fhall be directed by the infpector to a proctor in *Doctor's Commons*, for the purpofe that letters of adminiftration may pafs in favour of the petitioner, if entitled thereto by law, but not otherways; and fuch original petition and certificate fhall be lodged and remain in the records of the treafurer of the navy, and be preferved by him; and the letters of adminiftration, when obtained, fhall be lodged and registered, in the fame manner with the probates of wills, in the hands of the infpector, who is hereby directed to grant a check, figned and ftamped by him, or by the perfon authorized to officiate for him, to the adminiftrators, or their attornies, which fhall

stand in the place of the administration, and be to them a sufficient authority to demand payment of and discharge all sums that shall be due to them as administrators to the party deceased.

VIII. And it is hereby further enacted, That if any proctor, register, or other officer of any ecclesiastical court, shall be aiding and assisting in procuring probate of the will, or letters of administration, for the purpose of enabling any person to receive the wages, pay, prize money, or allowance of money of any kind, due or becoming due for their service on board any ship or ships then in, or formerly belonging to his Majesty, his heirs and successors, without first obtaining the certificate from the inspector of seamen's wills and letters of attorney, or person authorized to officiate for him, in manner above directed, every such proctor, register, or other officer, shall forfeit and pay the sum of five hundred pounds, and for ever after be incapable of acting as proctor, register, or in any other capacity, in any ecclesiastical court in *Great Britain* or *Ireland*.

Penalty on proctors, etc. assisting in procuring probates of wills, etc. contrary to this act.

IX. And be it enacted by the authority aforesaid, That the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral of *Great Britain*, shall direct abstracts of this act to be printed, and that a competent number of the copies of the said abstracts be delivered to the captain or commander of every ship and vessel of his Majesty, his heirs and successors; and such captain or commander, as soon as the ship or vessel by him commanded shall be put into sea pay, shall cause one of the said printed abstracts to be hung up and affixed to the most public place of such ship or vessel, and shall cause the same to be constantly kept and renewed, so that they may at all times be accessible to the petty officers and seamen on board of such ship or vessel; and the commissioners of the navy are hereby charged and directed strictly to enquire whether the directions hereby given for hanging up and affixing the said abstracts, as aforesaid, have been duly observed by the captain or commander of such ship or vessel, and not to grant such captain or commander his general certificate until they are fully satisfied thereof.

Abstracts of this act to be hung up in every ship, and no captain to have his general certificate till the navy board are satisfied it has been done.

C A P. LXIV.

An act to discontinue, for a limited time, the several duties payable in Scotland upon low wines and spirits, and upon worts, wash, and other liquors, there used in the distillation of spirits, and for granting to his Majesty other duties in lieu thereof.

WHEREAS the mode established by the laws and regulations now in force, for charging and securing the rates and duties imposed upon wort, wash, and other liquors, used, in that part of *Great Britain* called *Scotland*, for the distilling of spirits for home consumption, hath not been found to answer the good purposes thereby intended within that part of the united kingdom, and it is therefore expedient to impose, in lieu thereof, a moderate duty upon the said wort,

Preamble.

wort, wafh, and other liquors, to be afcertained by the fize or content of the ftills there lawfully ufed in the making of low wines and fpirits, and to impofe a further equalizing duty upon fuch fpirits, made in Scotland for home confumption, as fhall be brought from thence into any other part of the united kingdom; may it therefore pleafe your Majefty that it may be enacted; and be it enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That the feveral rates and duties granted and impofed by any act or acts of parliament now in force, or which ftand and remain difcontinued or fufpended, for any time or term, upon any wort, wafh, or other liquor, or any mixture with the fame, for extracting of low wines or fpirits in Scotland, or upon the low wines or fpirits there made or manufactured, or upon any licence required to be taken by any diftiller or maker of fpirits from corn or malt in Scotland (fave only and except any arrears now due in refpect of fuch rates or duties), fhall be difcontinued for the fpace of two years, to be computed from the fifth day of July, one thoufand feven hundred and eighty-fix.

The duties now payable in Scotland, on diftillation of fpirits, &c. to be difcontinued for 2 years, from July 5, 1786.

From July 5, 1786, there fhall, in lieu of the prefent duties, be paid the following, viz.

II. And be it further enacted by the authority aforefaid, That, from and after the faid fifth day of July, one thoufand feven hundred and eighty-fix, there fhall be fubftituted, charged, and paid to his Majefty, his heirs and fucceffors, by the diftillers or makers of fpirits in that part of Great Britain, called Scotland, for and during the aforefaid term of two years, the rates and duties following; that is to fay,

For every ftill 2l. 10s. annually, for each Englifh wine gallon offitscontents, where Britifh materials are ufed.

For and upon every gallon, Englifh wine meafure, of the capacity or content of each and every ftill, including the head thereof, which fhall be ufed or employed by fuch diftiller or maker of fpirits, for the making of low wines or fpirits from corn, grain, malt, tilts, cyder, or perry, or other wafh or liquor made or brewed from any fort or kind of Britifh materials, or any mixture with the fame, the yearly fum of one pound ten fhillings fterling:

For each gallon of its contents 2l. 10s. where melaffes or fugar is ufed.

For and upon every gallon, Englifh wine meafure, of the capacity or content of each and every ftill, including the head thereof, which fhall be ufed or employed by fuch diftiller or maker of fpirits, for making low wines or fpirits from melaffes or fugar, or any mixture therewith, the yearly fum of two pounds ten fhillings fterling:

3l. for every gallon where other foreign materials are ufed.

For and upon every gallon, Englifh wine meafure, of the capacity or content of each and every ftill, including the head thereof, which fhall be ufed or employed by fuch diftiller or maker of fpirits for making low wines or fpirits from foreign refused wine, or foreign cyder or wafh prepared from foreign materials, except melaffes and fugar, or any mixture therewith, the yearly fum of three pounds fterling:

No wafh ftill under 50 gal-

Which faid refpective duties fhall be paid by the perfon or perfons,

sons, and at the respective times, and in the manner herein-
after mentioned : provided that no wash still to be so licensed,
shall be of a less content or capacity, including the head thereof,
than fifty gallons, *English* wine measure; and that there be at
the same time licensed with every wash still, or low wine still,
or spirit still, of a content or capacity not less than one fourth
part of the content or capacity of such wash still.

III. And be it further enacted, That, from and after the said
fifth day of *July*, one thousand seven hundred and eighty-six,
no person or persons whatever shall by him, her, or themselves,
or by any other person or persons whatever, employed by him,
her, or them, or for his, her, or their use or benefit, work or
erect any still or stills, for the distilling, making, or manufac-
turing of low wines or spirits, from malt or corn, or any of the
materials aforesaid, in *Scotland*, without first taking out a li-
cence or licences for that purpose; which licences shall be,
from time to time, granted by such persons in *Scotland* as the
commissioners of his Majesty's treasury, or the lord high trea-
surer for the time being, shall authorise and appoint, and which
persons shall be under and subject to the order and controul of
the commissioners of excise in *Scotland*, in such manner as the
said commissioners of the treasury, or the lord high treasurer,
shall declare and direct, and which licence the said person or
persons so to be authorised are hereby directed to grant to all
persons who shall apply for, and be duly qualified to receive the
same, ten days at least before he, she, or they shall so erect or
work such still or stills, and first paying into the hands of the
proper officer of excise such proportion of the yearly rate or
duty hereby imposed, according to the content or capacity of
the still or stills so to be worked or erected as aforesaid, as is
herein-after directed.

IV. Provided always, and be it further enacted, That it
shall and may be lawful for any distiller or distillers, after ob-
taining such licence as aforesaid, to prepare wort, wash, or
tilts, for the space of ten days before the time fixed by the said
licence for commencing distillation; provided also, That such
distiller or distillers shall not begin to distil any low wines or
spirits, previous to the time fixed by the said licence for that
purpose, upon pain of incurring all the penalties and forfeitures
directed to be inflicted on persons working with unlicensed stills.

V. And be it further enacted, That every licence to be
granted by virtue of this act shall continue in force twelve ca-
lendar months from the date thereof, and no longer; and that
all and every person or persons who shall take out any such li-
cence as aforesaid, and who shall intend to continue to work
any still or stills, after the expiration of such licence, is and are
hereby required to take out a fresh licence, ten days at least
before the expiration of twelve calendar months after taking
out the former licence, in manner before directed, and to pay
the like sum upon the granting every renewed licence, as is by
this

lons to be li-
censed, nor
then, unless
therewith be
licensed a spi-
rit still of one
fourth of its
content.

No distiller to
work without
first taking
out a licence.

Distillers may
prepare wort
10 days be-
fore the com-
mencement of
licences, but
incur the pe-
nalties for
using unli-
censed stills,
if they begin
to distil be-
fore such com-
mencement.

Licences to
be renewed
annually, ten
days before
expiration.

this act provided and directed in the cafe of the original or firft licence.

Licences may be taken out within fix weeks after July 5, 1786, which will continue in force till July 5, 1787, etc.

VI. Provided always, and be it enacted, That it fhall and may be lawful for every perfon or perfons to take out a licence or licences under this act, at any period within the fpace of fix weeks after the commencement of this act, which licence or licences fhall continue and be in force until the fifth day of *July*, which fhall be in the year of our Lord one thousand feven hundred and eighty-feven; at which period every licence taken out under this act fhall ceafe and determine, unlefs renewed in the manner herein-after directed: provided alfo, That every fuch perfon or perfons who fhall take out any licence or licences within the faid fix weeks after the commencement of this act, fhall be obliged to pay in advance for fuch licence or licences a rateable proportion of the licence duty by this act impofed, correfponding to the number of weeks or days that fhall be to run before the faid fifth day of *July*, which fhall be in the year of our Lord one thousand feven hundred and eighty-feven.

Licences may be taken out at any time during the firft year, on the terms herein fpecified.

VII. Provided alfo, and be it enacted, That it fhall and may be lawful for any perfon or perfons to take out a licence or licences under this act at any period during the firft year of this act, which licence or licences fhall be current to the fifth day of *July*, which fhall be in the year of our Lord one thousand feven hundred and eighty-feven; and fuch perfon or perfons, upon taking out fuch licence or licences, fhall pay down the licence duty by this act impofed, as if fuch licence or licences had been taken out at the expiration of the faid firft fix weeks as aforefaid, and fhall alfo pay *per* advance fuch rateable proportion of the duty for the time that fhall remain of the faid licence or licences being in force, in the manner herein-after directed.

Unlicenfed perfons using ftills forfeit 3l. for each gallon of their contents, and the ftills, etc. to be deftroyed.

VIII. And be it further enacted, That if any perfon or perfons fhall, after the faid fifth day of *July*, one thousand feven hundred and eighty-fix, erect, work, or ufe any ftill or ftills for the diftilling, making, or manufacturing of low wines or fpirits from malt or corn, or any other of the materials aforefaid, in *Scotland*, or keep any fuch ftill or ftills, without firft taking out fuch licence, or renewing the fame yearly, in manner aforefaid, he, ſhe, or they fhall refpectively forfeit, for every fuch offence, the fum of three pounds ſterling for each gallon *English* wine meafure of the capacity or content of fuch ftill or ftills; and fuch ftill or ftills, with the whole utenfils for brewing or manufacturing worts, wafh, low wines or fpirits, in the poffeffion of fuch perfon or perfons, fhall be feized and forfeited, and the faid ftill or ftills fhall be compleatly deftroyed in the prefence of the magiftrate before whom the faid ftill or ftills and utenfils fhall be concerned; which fums fhall be levied and taken from every offender, without deduction or mitigation by any court or magiftrate whatever, any act or acts to the contrary notwithstanding.

IX. Pro-

IX. Provided always, and be it enacted, That no diſtiller or diſtillers, maker or makers of low wines or ſpirits from malt or corn, or any other of the materials aforeſaid, ſhall erect, work, uſe, or have in his, her, or their poſſeſſion any ſtill or ſtills, upon any pretence whatever, in any houſe or place other than the houſe or place previouſly entered by him, her, or them, at the proper office of exciſe, according to the ſeveral laws in that behalf made and provided, on pain of forfeiting and loſing the ſum of three pounds ſterling for each gallon of the capacity or content of ſuch ſtill or ſtills, and of the further ſum of two hundred pounds ſterling for each time it ſhall be proved that he, ſhe, or they hath or have uſed ſuch ſtill or ſtills, the ſame to be levied without mitigation in the manner aforeſaid, and the ſaid ſtill or ſtills ſhall be ſeized, forfeited, and deſtroyed in the manner aforeſaid, any act or acts to the contrary notwithstanding.

Persons using
stills in unen-
tered places to
forfeit 3l. for
each gallon of
their contents,
and 200l. for
each time of
working.

X. And be it further enacted, That upon, or previous to the granting of any ſuch firſt or renewed licence, the perſon or perſons applying for the ſame ſhall, before he, ſhe, or they ſhall be intitled to ſuch licence, make payment in advance to the proper officer of exciſe appointed to receive the ſame, of one ſixth part of the annual duty hereby charged upon his, her, or their ſtills, and ſhall afterwards, at the expiration of the firſt two months, and ſo afterwards at or before the end of every two months of the unexpired term of his, her, or their ſaid annual licence, make payment in advance of a further proportional part of the ſaid annual duty, in ſuch form and manner as that the ſaid duty ſhall always be paid two months in advance into the receipt of the exciſe.

One ſixth
part of the
annual duty
to be paid
when licences
are granted,
and a propor-
tionable part
every two
months after-
wards.

XI. And be it further enacted, That no perſon or perſons ſhall be capable of taking out or receiving any ſuch licence as aforeſaid, ſave only the actual owner or owners of the ſtill or ſtills intended to be worked by virtue thereof, and of the implements thereto belonging, and every perſon and perſons demanding ſuch licence ſhall, if required, take and ſubſcribe an oath, before one or more of the commiſſioners of exciſe in *Scotland*, or any juſtice of the peace for the county in which he, ſhe, or they ſhall happen to reſide, (and which oath ſuch commiſſioners or juſtice are and is hereby impowered to adminiſter), that the ſaid ſtill or ſtills, and implements, are his, her, or their property, and that the work intended to be carried on is at his, her, or their riſque, and on his, her, or their account; and in every licence, which ſhall be granted by virtue of this act, there ſhall be expreſſed and ſpecified the chriſtian name or names, and the ſurname or surnames of the perſon or perſons to whom the ſame ſhall be reſpectively granted, the place or places of his, her, or their reſpective reſidence, and the name of the pariſh or place where ſuch ſtill or ſtills are intended to be ſet up, erected, and uſed, together with the reſpective dimensions or gauges of ſuch ſtill or ſtills, and declaring for what particular uſe each reſpective ſtill is intended to be employed, whether it be for the diſtillation of

None but the
owners of
stills to be
entitled to
licences.

Licences to
expres the
party's name,
&c.

of low wines, or for the distillation of wash, and if for the distillation of wash, specifying from what materials such wash shall be prepared, and also specifying the sum or sums paid for the duty, and the times when the future payments shall respectively become due, and when such licence will cease and expire.

Wash still may be used as a spirit still, etc.

XII. Provided always, and be it enacted, That no words contained in the said licence shall extend, or be construed to extend, to prevent any distiller or distillers to use his wash still in distilling of spirits, or his spirit or low wine still in distilling of wash, upon notice being previously given to the officer, and the cause stated for such alteration in the said notice.

Rectifiers of spirits, etc. not to have licences for distilling, etc.; nor to carry on both trades at one time.

XIII. And be it further enacted, That it shall not be lawful for the person or persons to be named as aforesaid to grant, or to authorize any other person or persons to grant, to any rectifier or compounder of spirits, or to any common brewer or victualler, any licence for working, erecting, or keeping of any still or stills, for the distilling of wash or low wines, so long as he, she, or they doth or shall continue to carry on the business of a rectifier or compounder of spirits, or common brewer or victualler for brewing or selling of beer or ale, in *Scotland*; and that no person or persons shall be allowed during the continuance of this act, to carry on the trade of a distiller with that of common brewer or victualler, or the trade of a rectifier of spirits with that of a common brewer or victualler, at one and the same time, on pain that every such person or persons shall be deemed to carry on such respective trades contrary to law, and be liable to the several pains and penalties inflicted against persons carrying on the trade of a distiller or rectifier without licence.

No licence to be valid till indorsed by the officer of excise of the district.

XIV. And be it further enacted, That, during the continuance of this act, no licence to be granted as aforesaid shall be available or of any effect until the same shall have been produced to, and a copy thereof delivered to, the officer of excise of the division, district, place, or bounds wherein the still or stills thereby to be licensed is or are erected, or intended to be erected, the production and receipt of which licence every such officer is hereby required to acknowledge and certify *gratis*, under his hand, by indorsement upon such licence (if the party shall require the same), and that such production and delivery shall be deemed and held as a sufficient entry of such still or stills; any thing herein, or in any other act or acts contained to the contrary notwithstanding.

New stills, of the same capacity, may be erected in place of destroyed ones, without a new licence.

XV. And be it further enacted, That if any such still or stills, to be so licensed as aforesaid, shall, during the continuance of such licence, by any unavoidable accident, be destroyed or rendered unfit for use, the owner thereof shall immediately give notice in writing of such accident to the proper officer or supervisor of excise of the division, district, place, or bounds, and shall be at liberty forthwith after such notice to erect a new still or stills; and in case such new erected still or stills be not of a larger

larger capacity or content than the said former still or stills respectively, it shall be lawful for such owner or owners to work the same, during the term to come and unexpired of his, her, or their subsisting licence or licences, without taking out any new licence for that purpose; but if such new erected still or stills shall be of any larger capacity or content respectively than the said former still or stills, the owner or owners thereof shall take out a new licence for erecting and working the same, which new licence shall have duration only for the unexpired term of the old licence, and an additional duty for such unexpired term shall be advanced and paid according to the increased capacity or content of such new still or stills, on the taking out of such new licence.

XVI. And be it further enacted, That if the owner or owners of any licensed still shall not, within the time limited by this act for the renewal of licences, renew his, her, or their licence for the next ensuing year, such owner or owners shall, immediately after the expiration of his, her, or their said licence; either wholly pull down his, her, or their still or stills, in the presence of the proper officer of excise of the division, district, or place, or deposit in the excise office of the division, district or place, the head of every such still, and such of the utensils or implements belonging to such still as such officer shall think proper to select, and also remove and take away the several pipes and worms of such still or stills, to the satisfaction, and under the direction of the said officer, so as thereby effectually to render such still or stills incapable of being worked or used, in which state such still or stills shall remain and continue until the same shall be either again duly licensed, according to the directions of this act, or be absolutely and wholly pulled down, removed and disposed of, in the presence of the proper officer of excise; and if any such owner or owners shall neglect or refuse to observe or comply with any of the directions hereby given, he, she, or they shall forfeit and lose, for every such neglect or refusal, the sum of three pounds sterling for each gallon of the content of such still or stills; and every such still or stills shall also be lost and forfeited, and be utterly destroyed in the presence of the magistrate before whom the same shall happen to be condemned.

If licences be not renewed, the stills must be taken down, etc.

Penalty on neglect.

XVII. And be it further enacted, That when and so often as the property and possession of any licensed still or stills shall be changed, the person or persons becoming intitled thereto shall forthwith, after such change of property and possession, and before any such still or stills is or are by him, her, or them attempted to be charged and worked, give notice thereof in writing to the proper officer of excise of the division, district, place, or bounds, within which such still or stills shall be situated; and shall thereupon, and upon making oath before a magistrate of his, her, or their property therein, if required by such officer, be permitted to work such licensed still or stills, for the unexpired term of the subsisting licence, upon the same conditions as are expressed and specified in such licence.

Notice of the change of property in stills must be given to the officer of excise.

Notice muſt be given by the purchaſer of a licenſed ſtill, if he does not intend to work it, etc.

XVIII. Provided always, and be it further enacted, That if upon any ſuch change of property and poſſeſſion of or in any ſuch licenſed ſtill or ſtills, the perſon or perſons becoming intitled thereto ſhall not be deſirous of working ſuch ſtill or ſtills, ſuch perſon or perſons ſhall, within three days after his, her, or their title thereto ſhall have accrued, ſignify the ſame in writing to the proper officer of exciſe, and depoſit with him the head or heads belonging to ſuch ſtill or ſtills, and alſo ſuch of the utenſils belonging thereto as the ſaid officer ſhall ſelect, in order to render ſuch ſtill or ſtills incapable of being uſed, and ſuch ſtill or ſtills ſhall not be again uſed until a new licence ſhall be granted for that purpoſe, and the duty which would have become due for the unexpired term of the ſubſiſting licence, to be computed from the time of giving ſuch notice as aforeſaid, ſhall ceaſe to be paid; but no claim ſhall lie for repayment of any part of the duties which ſhall have been paid in advance as aforeſaid.

Perſons neglecting to pay the duties regularly, or uſing other than licenſed ſtills, not to have licences granted, etc.

XIX. And be it further enacted, That if any perſon or perſons, being licenſed as before mentioned, ſhall neglect to pay the ſaid duties impoſed by this act, or any part thereof, in advance, in the manner and at the time or times directed by this act; or if any perſon or perſons ſhall erect, work, or make uſe of, any other ſtill or ſtills, in that part of *Great Britain* called *Scotland*, than what ſhall be ſpecified in his, her, or their licence, whether of the ſame, or of any different deſcription, capacity, or content, than ſhall have been ſo ſpecified, every ſuch perſon or perſons ſhall be ſubjected and liable to the pains, penalties, and forfeitures, which are herein-before inflicted for the offence of erecting or uſing an unlicenſed ſtill or ſtills, and ſhall be rendered incapable of receiving any licence for carrying on any diſtillery in future.

Penalty on perſons not being licenſed diſtillers, who ſhall diſtil, etc.

XX. And be it further enacted, That if any rectifier or compounder of ſpirits, or any chemiſt, druggiſt, or perfumer, or any perſon whatever, other than a licenſed diſtiller, ſhall have in his, her, or their poſſeſſion any wort, waſh, tilts, or other fermented liquor, capable of being diſtilled into low wines or ſpirits, or ſhall diſtil or extract any low wines or ſpirits from wort, waſh, tilts, corn, melaffes, ſugar, cyder, reſuſed wines, or other liquor, every ſuch perſon or perſons ſo being in poſſeſſion of any ſuch materials, prepared for the purpoſe of being diſtilled into low wines or ſpirits, ſhall forfeit and loſe the ſum of five pounds for every gallon of ſuch wort, waſh, tilts, or other fermented liquors, together with all the wort, waſh, tilts, or other liquors in his, her, or their cuſtody or poſſeſſion; and every ſuch perſon or perſons, ſo unlawfully diſtilling or extracting as aforeſaid, ſhall forfeit, for every ſuch offence, the ſum of five pounds for every gallon of the capacity or content of his, her, or their ſtill or ſtills; and ſuch ſtill or ſtills, together with the implements and utenſils thereunto belonging, ſhall be ſeized and forfeited, and ſhall, on the condemnation thereof, be deſtroyed in the manner herein-before directed in other caſes of the forfeiture of any ſtill or ſtills; and ſuch perſon or perſons ſhall moreover forfeit and loſe

lofe all the worts, wath, tilts, and fpirits in his, her; or their custody.

XXI. And be it further enacted, That no person or persons, in that part of *Great Britain* called *Scotland*, shall, during the continuance of this act, be capable of carrying on the trade or business of a chemist, druggist, or perfumer, who shall use any still or stills, or any other trade or business requiring the use of any still or stills, without first taking out an annual licence for that purpose from the person or persons to be nominated and appointed as aforesaid, and which licences the said person or persons shall and are hereby required to grant accordingly, upon the payment of such fees for the same as are herein-after directed to be paid for such licences, but free from the payment of every duty of excise; and every such licence so granted shall specify the christian name or names, and the surname or surnames, trade and business, of the person or persons thereby licensed, and the place where such trade or business is intended to be carried on; and the number of their respective stills, and the capacities or contents thereof respectively; and no chemist, druggist, or perfumer, shall use or have in his, her, or their possession any still or stills of any greater capacity or content than that of fifty gallons, *English* wine measure, upon pain of forfeiting the sum of five pounds sterling for every gallon which the content of such still or stills shall exceed the quantity of fifty gallons as aforesaid; and every such licence shall be produced, and a copy thereof delivered, by or on behalf of the person or persons taking out the same, unto the excise officer of the division, district, place, or bounds, before the same shall be available in law; and such officer shall, on the requisition of the party or parties, acknowledge, in writing to be indorsed on such licence, the production thereof, and the receipt of such copy; and every such licence shall remain and continue in force from the date thereof, for and during the space or term of twelve calendar months next ensuing, and may be renewed for a further term of twelve calendar months within the space of ten days before the expiration thereof; and if any chemist, druggist, perfumer, or other person or persons, shall use any still or stills, for any purpose whatever, without first taking out a licence for the same, and producing such licence, and delivering such copy thereof to the officer of excise as aforesaid, or shall make use of any other still or stills than such as shall be specified in such licence, or shall make use of any such licensed still or stills at any place other than the place which shall be specified in the said licence, or in any house or place other than his, her, or their usual dwelling or known place of carrying on his, her, or their trade and business, every such person or persons shall respectively forfeit and lose the sum of one hundred pounds sterling for every such offence, to be levied and paid without mitigation.

No chemist, etc. to use stills without licence;

nor to have stills of greater capacity than 50 gallons, on penalty of 5l. for every gallon above that quantity.

Chemists, etc. using stills without licence, etc. forfeit 100l.

XXII. And be it further enacted, That, for and upon the content or capacity of every still of one hundred and twenty gallons, or upwards, for which any licence shall be granted under

Fees to be paid on taking out licences.

and by virtue of this act, there shall be paid, by the person taking out such licence, a fee after the rate of one penny sterling *per* gallon, and for every other licence to be granted by virtue of this act, a licence fee of five shillings sterling, which fees shall be received by and belong to such officer or other person who shall be appointed as aforesaid; and in consideration thereof, the persons who shall be intitled to the benefit of the said fees shall keep a register of all the licences which shall be granted by virtue of this act, and shall, twice in every year, or oftener if required by the said commissioners, deliver a duplicate thereof into the general excise office in *Edinburgh*, for the safe custody thereof.

Licences for stills of greater capacity than 50 gallons, may be granted, to carry on chemical experiments, etc.

XXIII. Provided nevertheless, and be it further enacted, That if it shall be made appear to the said commissioners of excise, that any useful processes or experiments in chemistry, in that part of *Great Britain* called *Scotland*, shall require a still or stills of greater content or capacity than that of fifty gallons, *English* wine measure, as aforesaid, it shall and may be lawful to and for the said commissioners to authorize and direct a licence or licences to be granted to the owner or owners of such chemical work or works, to use, for the purposes aforesaid, a still or stills of any larger content or capacity than as aforesaid; which licence or licences shall be in force for the space of one year, and no longer, and for each of which licences a fee of five shillings, and no more, shall be paid to the person or officer to be appointed as aforesaid, and which said chemical works, if specified in any such licence to be secret works, shall not be liable to visitation by any officer or officers of excise, excepting only under the conditions and limitations, according to which the chemical works, which are or shall be carried on by *Archibald* earl of *Dundonald*, his executors, administrators, or assigns, may or can be lawfully visited and examined.

But if used for distilling spirits, to be forfeited, etc.

XXIV. Provided also, and be it further enacted, That if, upon any such visitation or examination, it shall be found that any such still or stills of such larger content or capacity have been used in the distilling of spirits, low wines, or wash, wort, or tilts, prepared from any of the materials aforesaid, contrary to the true intent and meaning of the said licence, such still or stills, and all the utensils thereto belonging, shall be seized, lost, forfeited, and destroyed, as aforesaid, and the owners thereof shall be liable to the several pains and penalties imposed by this act upon unlicensed distillers.

Persons permitting stills to be set up in unlicensed places, liable to the penalties of using unlicensed stills.

XXV. And be it further enacted, That if any person or persons, occupying any house or tenement in that part of *Great Britain* called *Scotland*, shall permit any unlicensed still or stills to be set up or used in such house or tenement by any person or persons, for the making or distilling of low wines or spirits, without giving notice thereof to the proper officer of excise, within the space of three days after he or they shall have knowledge of the fact, such occupier or occupiers shall incur and be subject and liable to the same pains and penalties as are by law directed

to

to be impofed or inflicted on perfons actually using any unlicenfed still.

XXVI. And be it further enacted, That it fhall and may be lawful for any officer or officers of excife in *Scotland*, to enter, during lawful hours, into the ftill houfe, or other place where any ftill or ftills (whether the fame be licenfed or not licenfed) fhall be kept, worked, or ufed, or where any wort, wafh, low wines, or fpirits, are prepared or diftilled, and to examine the fame; and in cafe any ftill or ftills fhall be there found in a ftate capable of being worked, the fame not having been duly licenfed, or in cafe any wort, wafh, low wines, or fpirits, fhall be there found contrary to the true intent and meaning of this act, every fuch ftill or ftills, and the liquor therein, with all the utensils and implements thereto belonging, or therewith ufed, and alfo fuch wort, wafh, low wines, and fpirits, fhall be feized by any officer or officers of excife, and fhall be loft and forfeited, and the faid ftill or ftills fhall be destroyed in the manner herein-before directed.

Officers may examine ftill houfes, and if any are found working contrary to this act, the ftills to be forfeited.

XXVII. And be it further enacted, That every officer of excife who fhall, in that part of *Great Britain* called *Scotland*, feize and bring to condemnation any ftill by this act made liable to feizure and forfeiture, (except in the cafe of fuch ftill or ftills being feized on the difcovery of any other perfon, in the manner herein-after fpecified), fhall be entitled to a reward of two fhillings and fixpence fterling for every gallon of the content or capacity of fuch ftill, including the head thereof, to be paid out of his Majesty's duties of excife in *Scotland*, upon an order from the faid commiffioners of excife, which order the faid commiffioners are hereby authorized and required to grant: provided nevertheless, That fuch reward fhall not exceed the fum of twenty-one pounds fterling for any one ftill fo feized as aforefaid: and if any perfon (not being an officer of excife) fhall make difcovery of any ftill liable to feizure and forfeiture as aforefaid, fo as that the fame fhall be feized and condemned, fuch perfon or perfons fhall be entitled to a reward of one fhilling and fixpence fterling for every gallon of the capacity or content of fuch ftill, to be paid on the condemnation thereof: provided alfo, that fuch reward fhall not exceed the fum of ten pounds and ten fhillings fterling for any one ftill fo forfeited as laft aforefaid; and the officers or officer of excife, by whom the fame fhall be feized, fhall alfo be entitled to a reward of one fhilling fterling for every gallon of the content or capacity of fuch ftill, fo that fuch laft mentioned reward fhall not, for any one ftill, exceed the fum of ten pounds and ten fhillings fterling; and that fuch feveral rewards fhall be paid by the order of the faid commiffioners of excife as aforefaid; and if, by reafon of the fmall fize of any fuch ftill or ftills, the faid commiffioners of excife fhall think any of the rewards aforefaid infufficient, the faid commiffioners fhall, and they are hereby authorized to augment the fame refpectively, not exceeding the refpective fums aforefaid.

Officer entitled to 2s. 6d. per gallon, of the contents of ftills feized on his own difcovery of fraud; but not to exceed 21l. for one ftill.

XXVIII. And be it further enacted, That if any officer of excife fhall make difcovery of any ftill liable to feizure and forfeiture as aforefaid, fo as that the fame fhall be feized and condemned, fuch officer or officers fhall be entitled to a reward of one fhilling and fixpence fterling for every gallon of the capacity or content of fuch ftill, to be paid on the condemnation thereof: provided alfo, that fuch reward fhall not exceed the fum of ten pounds and ten fhillings fterling for any one ftill fo forfeited as laft aforefaid; and the officers or officer of excife, by whom the fame fhall be feized, fhall alfo be entitled to a reward of one fhilling fterling for every gallon of the content or capacity of fuch ftill, fo that fuch laft mentioned reward fhall not, for any one ftill, exceed the fum of ten pounds and ten fhillings fterling; and that fuch feveral rewards fhall be paid by the order of the faid commiffioners of excife as aforefaid; and if, by reafon of the fmall fize of any fuch ftill or ftills, the faid commiffioners of excife fhall think any of the rewards aforefaid infufficient, the faid commiffioners fhall, and they are hereby authorized to augment the fame refpectively, not exceeding the refpective fums aforefaid.

Perfons, not officers, making difcovery of ftills liable to feizure, and the officers feizing, entitled to rewards as herein fpecified.

XXVIII. And be it further enacted, That if any officer of excife fhall make difcovery of any ftill liable to feizure and forfeiture as aforefaid, fo as that the fame fhall be feized and condemned, fuch officer or officers fhall be entitled to a reward of one fhilling and fixpence fterling for every gallon of the capacity or content of fuch ftill, to be paid on the condemnation thereof: provided alfo, that fuch reward fhall not exceed the fum of ten pounds and ten fhillings fterling for any one ftill fo forfeited as laft aforefaid; and the officers or officer of excife, by whom the fame fhall be feized, fhall alfo be entitled to a reward of one fhilling fterling for every gallon of the content or capacity of fuch ftill, fo that fuch laft mentioned reward fhall not, for any one ftill, exceed the fum of ten pounds and ten fhillings fterling; and that fuch feveral rewards fhall be paid by the order of the faid commiffioners of excife as aforefaid; and if, by reafon of the fmall fize of any fuch ftill or ftills, the faid commiffioners of excife fhall think any of the rewards aforefaid infufficient, the faid commiffioners fhall, and they are hereby authorized to augment the fame refpectively, not exceeding the refpective fums aforefaid.

in 24 hours after information, to be dismissed, etc.

excise shall, for the space of twenty-four hours after he shall have received information of any still being unlawfully erected, used, or kept, or of any wort, wash, tilts, or low wines, prepared and intended to be unlawfully used in distillation, wilfully neglect to seize the same respectively, every such officer so offending shall, upon complaint made thereof, and proof of the fact, to the satisfaction of the commissioners of excise in *Scotland*, be dismissed from his or their office, and shall never afterwards be capable of serving his Majesty in any office or place of trust whatever, and shall moreover forfeit and lose all such salary as shall be due to him at the time of his dismissal; and in case the person or persons making such complaint shall be the same person or persons who gave the information as aforesaid, to the officer or officers so dismissed, such person or persons shall be entitled to a reward of one shilling and sixpence sterling, for every gallon of the content or capacity of the said still or stills, to be paid by the order of the said commissioners of excise out of the revenues of excise.

7s. 6d. per gallon to be allowed informers making complaint of officers not seizing.

No spirits to be removed from the manufactory without certificate from the distiller of the quantity, etc.

XXIX. And be it further enacted, That no spirits, made from any of the materials aforesaid, shall be removed or sent from the place of their manufacture, without being accompanied by a certificate, subscribed by the licensed distiller or maker thereof, or his known and authorized agent, expressing that the same were made by him, and also specifying the quantity of such spirits, and the number of casks or packages in which the same are contained,

Spirits removed by land carriage from *Scotland* into *England*, to be forfeited, etc.

XXX. And be it further enacted, That, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, no spirits, whether raw, rectified, or compounded, made from any of the materials aforesaid, in that part of *Great Britain* called *Scotland*, by any person or persons whatever, shall be removed or sent from that part of *Great Britain* called *Scotland*, into any other part of *Great Britain*, by land carriage; and if the same shall be so sent or removed, the said spirits, with the packages and casks containing the same, shall be forfeited and lost, with the horses and carriages employed in conveying the same.

All spirits removed by water into *England*, to be forfeited if not accompanied with a certificate, etc.

XXXI. And be it further enacted, That all spirits, whether raw, rectified, or compounded, made from any of the materials aforesaid, which shall, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, be removed or conveyed by water from any part of *Scotland*, to any other part of the united kingdom, shall be accompanied by a certificate from the maker, distiller, rectifier, or compounder thereof, or his known and authorized agent, specifying the number and the respective marks of the several packages, and the quantity of gallons contained in each of such packages; and the respective degrees of strength of the spirits in each package, together with the different species or kinds of the said spirits, and shall also be accompanied by a regular clearance from the proper custom-house in *Scotland*; and that all spirits which shall be removed or conveyed, or be attempted to be removed or conveyed from *Scotland* into

into any other part of the united kingdom, without being accompanied by fuch certificate and clearance as aforefaid, fhall, together with the packages containing the fpirits, and the fhip or vefel conveying the fame, with her ftores and tackle, be feized, loft, and forfeited.

XXXII. Provided alfo, and be it further enacted, That when any rectified or compounded fpirits fhall be fent from that part of *Great Britain* called *Scotland* by water into any other part of the united kingdom, the fame fhall, over and befides fuch certificate and clearance as aforefaid, be accompanied with a permit from the proper officer of excife, or, in default thereof, fuch fpirits, with the packages containing the fame, fhall be loft and forfeited: provided always, That no fuch fpirits, fhip or vefel, as aforefaid, fhall be liable to feizure for or on the account of any fmall difference or deficiency in the gauge of fuch fpirits at the time of their arrival in port, or any other deficiency, when the fame fhall be proved to have been occafioned by accident and without fraud.

Rectified fpirits muft alfo have a permit from the excife.

XXXIII. And be it further enacted, That, from and after the fifth day of *July*, one thoufand feven hundred and eighty-fix, all fpirits of a ftrength not exceeding that of one to ten over hydrometer proof, which fhall be manufactured in *Scotland*, and brought from thence into any other part of the united kingdom, fhall, upon the arrival thereof, be charged with a duty of two fhillings upon each gallon, *Englifh* wine meafure; which fum, together with the duties by this act directed to be paid in *Scotland* upon licences, fhall be held and deemed to be equivalent to the duties payable in *England* upon fpirits of *Englifh* manufacture, not exceeding the ftrength aforefaid; and if the ftrength of any fpirits manufactured in and arriving from *Scotland* as aforefaid, fhall be of a greater ftrength than one to ten over hydrometer proof, and fuch excefs fhall not exceed three *per centum* over and above the faid ftrength of one to ten over hydrometer proof, as aforefaid, then and in fuch cafe the faid fpirits fhall be charged with a further duty proportioned to their faid furplus ftrength; and the faid refpective duties fhall be paid to the proper officer of excife at the port or place of entry inwards, upon the landing of any fuch fpirits, which faid duty or duties payable upon importation fhall be under the receipt and management of the commissioners of excife in *England* for the time being, and be by them ordered, appropriated, paid, and applied, to and for the fame ufes and purpofes as the rates and duties payable in *England* upon wort, wafh, and other liquor, ufed in the diftillation of fpirits there for home confumption, are directed to be appropriated, paid, and applied; and that fuch fpirits, whether raw, rectified, or compounded, after being fo landed and warehoused, fhall be confidered as made or rectified in that part of the united kingdom where the faid fpirits have been fo landed and warehoused, and fhall be intitled to the fame allowances as the ftocks of diftillers or rectifiers in that part of the united kingdom are intitled to.

Duties to be paid on the arrival of fpirits from *Scotland* into *England*.

The faid duties to be paid at the port of entry, and to be applied as the duties in *England* on wort, etc.

Spirits of a strength of more than $\frac{3}{4}$ in the 100 above 1 to 10 over hydrometer proof, to be forfeited, etc.

Spirits fhipped prior to July 5, 1786, not liable to duty on landing in England.

Duplicates of permits granted in Scotland for removal of spirits to England, to be transmitted to the excise, etc.

Still maker to take out an annual licence, stamp his stills, and give notice to the officer that they may be gauged.

XXXIV. And be it further enacted, That if any spirits manufactured in that part of *Great Britain* called *Scotland*, of a strength exceeding that of one to ten over hydrometer proof, shall be shipped on board any vessel in order to their being sent or conveyed from that part of the united kingdom to any other part of the united kingdom, and such excess shall amount to more than three pounds *per centum* above the said strength of one to ten over hydrometer proof, such spirits, with the casks and packages containing the same, shall be seized, lost, and forfeited.

XXXV. Provided always, and be it further enacted, That all spirits which shall have been made in that part of *Great Britain* called *Scotland*, and *bona fide* put on board any ship or vessel on or before the fifth day of *July*, one thousand seven hundred and eighty-six, and shall be accompanied by a proper permit, shall and may be landed in any other part of the united kingdom without being subject to the payment of any equalizing duty, in the like manner as the same could or might have been landed in case this act had not been made.

XXXVI. And be it further enacted by the authority aforesaid, That the commissioners of excise in *Scotland* shall, within the space of one month after the time of granting any permit for the removal of any *British* brandy, rectified *British* spirits or compounds, from any port or place in *Scotland*, to any port or place in *England*, transmit the counterpart of such permit, or cause the same to be transmitted, to the commissioners of excise in *England*, in order that they may, and they are hereby directed and required to cause some proper officer or officers to examine and cheque therewith the permit by which such *British* brandy, and rectified *British* spirits and compounds, respectively, shall have been removed as aforesaid; and in order that a further cheque may be had upon the removal of such spirits, a duplicate of such clearance shall be forthwith transmitted to the proper officer or officers of the customs at the port in *England* where such spirits are intended to be landed, who are hereby authorized and required to compare the same with the spirits on their arrival.

XXXVII. And be it further enacted, That every maker of stills in *Scotland* shall, from and after the fifth day of *July*, one thousand seven hundred and eighty-six, take out an annual licence from the officer so to be authorized as aforesaid to grant the same, and renew such licence from year to year, and shall pay a fee of five shillings for each of such licences, and no more; and every such maker or makers shall stamp his or their name or names, and the progressive number, and the content or capacity of every still made by him, her, or them, upon the shoulder thereof; and in order that the contents of the said still or stills may be distinctly ascertained, the said maker or makers shall, and he, she, and they is and are hereby required, within three days after finishing any still, to give notice to the excise officer of the district where such still hath been so made, that the same is ready to be gauged and stamped; and such officer is hereby

hereby required, within three days after fuch notification, to gauge fuch ftill, and to grant a certificate, fpecifying the number, content, and maker's name or names of fuch ftill; and in cafe any fuch maker or makers fhall fail to give fuch notice to the faid officer as aforefaid, fuch maker or makers fhall forfeit and pay the fum of ten fhillings for each gallon of the content or capacity of every fuch ftill fo made by him, her, or them.

Penalty on not giving notice.

XXXVIII. And be it further enacted, That if any perfon or perfons fhall import or bring any ftill or ftills into *Scotland*, from that part of *Great Britain* called *England*, or from foreign parts, fuch perfon or perfons fhall, within three days after the arrival of fuch ftill or ftills, give notice of the number, fize, and content of the fame, and of the place where the fame is deposited, to the officer of the divifion, diftrict, place, or bounds; and fuch officer fhall, within twenty-two hours after the receipt of fuch notice, gauge and ftamp, or caufe to be gauged and ftamped, the faid ftill or ftills, in the fame manner as is hereinbefore directed in the cafe of a ftill or ftills being made in *Scotland*; and if the perfon or perfons who fhall fo import or bring any ftill or ftills into *Scotland*, fhall neglect or omit to give fuch notice thereof as aforefaid, he, fhe, or they fhall forfeit and lofe the fum of fifty pounds fterling for every ftill fo imported or brought; and in cafe any fuch ftill or ftills fhall be erected without being previously gauged and marked by the proper officer of excife, every fuch ftill or ftills fhall be forfeited and loft, and the owner and owners thereof fhall alfo forfeit and pay the fum of fifty pounds fterling, over and befides all other penalties and forfeitures to be incurred for the unlawful ufing the fame.

Perfons importing ftills into *Scotland* without giving notice to the officer, forfeit 50l.

Stills not to be erected till gauged, on forfeiture of the ftills, etc.

XXXIX. Provided always, That nothing in this act contained fhall extend, or be conftrued to extend, to repeal, alter, or change any act or acts now in force for theurveying and keeping a regular account of the ftocks of rectifiers, and compounders, of fpirits and dealers, but that the faid rectifiers, compounders, and dealers, fhall remain fubjected to the furveys of the officers of excife, and to all other regulations made and provided by any law now in force, in the fame manner as if this act had not been made; faving and excepting, that rectifiers and compounders, as well as makers or diftillers, in that part of *Great Britain* called *Scotland*, may fend fpirits to any part or place in that part of the united kingdom of whatever ftrength he, fhe, or they may think proper.

Rectifiers, &c. fubject as heretofore to furveys, &c.

XL. And be it further enacted, That the feveral duties on licences, by this act granted, fhall be under the receipt, collection, and management of the commiffioners and officers of his Majesty's revenue of excife in *Scotland* for the time being, and fhall be appropriated to fuch and the fame ufes and purposes as the duties by this act fufpended or difcontinued would have been fubject and liable to, if this act had not been made.

Duties to be under the management of the commiffioners of revenue in *Scotland*, etc.

XLI. Provided always, That nothing in this act contained fhall difcharge or acquit any diftiller, or other perfon, from any penalty

This act not to difcharge penalties al-

ready incurred, etc. nor to repeal the laws respecting exportation to foreign parts, etc.

penalty or forfeiture already incurred under any former act or acts for granting any duties upon wort, wash, or other liquor, or from payment of any arrears of such duties accrued, due prior to the commencement of this act; nor shall any thing in this act contained extend, or be construed to extend, to repeal or alter any law or laws now in force with respect to the making of *British* spirits for exportation to foreign parts; or to repeal or alter any part of an act, made in the last session of parliament, intituled, *An act for repealing so much of an act, made in the last session of parliament, as relates to the distillation of corn spirits in small stills, in certain counties or districts in the highlands in that part of Great Britain called Scotland; and for authorising the commissioners of excise in Scotland to grant licences, to persons living in the said counties or districts, to distil spirits from barley, bear, or big, the growth of the said counties; and for imposing a duty on such licences; nor to prejudice the right and privilege granted to Archibald earl of Dundonald, his executors, administrators, or assigns, by an act passed in the twenty-fifth year of his present Majesty, intituled, An act for vesting in Archibald earl of Dundonald, his executors, administrators, and assigns, the sole use and property of a method of extracting or making tar, pitch, essential oils, volatile alkali, mineral acids, salts, and cinders, from pit coal, throughout his Majesty's dominions, for a limited time.*

Earl of Dundonald to give the officer an account of his stills, etc.

XLII. Provided always, and be it further enacted, That notwithstanding any thing in the said last mentioned act contained, the said earl, his executors, administrators, or assigns, shall be, and he or they is and are hereby required to deliver to the officer or officers of excise of the division, district, place, or bounds, within which any of his or their said works or stills are or shall be erected, an account in writing, specifying the number of his or their said stills, with a description of the same, and the purposes for which such stills were respectively erected; reserving to any of his Majesty's officers of excise, under the conditions and limitations herein-after specified, at all lawful hours, to visit such work or works, and such still or stills, and to examine by all proper means the liquor or matter coming from the said still or stills, but not to open the said still or stills, unless the said officer or officers shall not otherwise be allowed to examine the liquor or matter coming from the said still or stills.

Officer not to inspect his workhouses, etc. without order from the commissioners of excise; or information of their being illegally worked.

XLIII. Provided always, and be it further enacted, That it shall not be in the power of any officer of excise to visit or inspect the said workhouse or workhouses, or the said still or stills, or house or houses, or places thereto belonging, unless the said officer or officers shall have previously obtained an order from the commissioners of excise, or the major part of them, in that part of *Great Britain* called *Scotland*, or shall proceed upon a signed information in writing, and upon oath made, and reduced also into writing, before any one or more of the said commissioners of excise, or before any one or more of his Majesty's justices of the peace, certifying that the said works or stills in the said act described, in place of being *bona fide* used for

for the purposes therein mentioned, are or have been used in extracting low wines or spirits from wort, wash, or other materials whatsoever; in which case such written information, and oath and warrant proceeding thereupon, shall be lodged, if required, with the manager of the said works so visited, upon the said manager's granting a receipt for the same; and if the said still or stills shall be at such visitation, or have been previously used after being erected in the said works, for the purpose of distilling wash, worts, low wines, or spirits, contrary to the true intent and meaning of the said act, such still or stills, and utensils belonging thereto, shall be seized and forfeited as unlicensed stills, and the owners and users thereof subjected to the pains and penalties in that behalf made and provided by this act.

If found to be illegally worked, to be forfeited, etc.

XLIV. And be it further enacted, That if any person or persons shall obstruct, resist, oppose, molest, or hinder any officer or officers of excise in the due execution of any of the powers or authorities given or granted to such officer or officers by this act, every person or persons so offending shall forfeit and lose, for every such offence, the sum of two hundred pounds sterling.

Persons obstructing officers in their duty forfeit 200l.

XLV. And be it further enacted, That all and every the powers and authorities, directions, rules, methods, penalties, and forfeitures, clauses, matters, and things, which in and by an act made in the twelfth year of the reign of King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenants in Capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise, or inland duties under the management of the commissioners of excise, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating or recovering, adjudging or ascertaining the duties or penalties thereby granted and inflicted, and for the preventing, detecting, and punishing frauds relating thereto (other than in such cases for which other penalties, provisions, and regulations are prescribed by this act), shall be exercised, practised, applied, used, and put in execution, in and for the managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering, and paying, the several duties hereby granted, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters, and things, were particularly repeated and again enacted in this present act.

Powers, etc. of act 12 Car. 2. c. 24, etc. extended to this act.

XLVI. And be it further enacted, That all the penalties and forfeitures imposed by this act, shall be sued for, recovered, and levied by such ways, means, and methods, as any penalty or forfeiture is or may be sued for, recovered or levied by any law or laws of excise, or by action of debt, bill, plaint, or information, in his Majesty's courts of exchequer in *England or Scotland* respectively; and that one moiety of every such penalty or forfeiture shall be to his Majesty, his heirs and successors, and the

How penalties are to be recovered and applied.

the other moiety to him, her, or them, who shall inform, discover, or sue for the same.

Limitation of actions.

XLVII. And be it further enacted, That if any action or suit shall be brought or commenced against any person or persons, for any thing by him, her, or them done in pursuance of this act, such action or suit shall be commenced within six months next after the matter or thing done, and shall be laid in the proper county; and the defendant or defendants, in such

General issue

action or suit, may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or if judgement shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall

Treble costs.

have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

C A P. LXV.

An act for granting to his Majesty a certain sum of money, to be raised by a lottery.

688,750*l.* to be raised by a lottery. All persons who have made deposits, pursuant to the resolution of the house of commons, of June 2, 1786, are required to pay the remainder of their subscriptions at certain times specified. Deposit 1*l.* 8*s.*; 20 July 21.; 13 Aug. 1*l.* 8*s.*; 20 Oct. 2*l.* 15*s.*; 21 Nov. 2*l.*; 18 Dec. 2*l.*; and 17 Jan. 1787, 2*l.* 4*s.* 6*d.* Cashier to give security, to the satisfaction of the commissioners of the treasury; and to pay all monies received into the exchequer. Commissioners of the treasury impowered to apply the money paid in by the cashier to the services voted this session; 500,000*l.* the amount of the prizes, to be paid out of any supplies granted this session. Managers and directors of the lottery to be appointed by the treasury. Method of the lottery books. Ticket.

LOTTERY for 1786.

The bearer of this ticket will be intitled to such beneficial chance as shall belong thereto, in the lottery to be drawn by virtue and under the directions of an act passed in the twenty-sixth year of his present Majesty's reign.

Managers to examine the books with the tickets, and deliver them to the cashiers of the bank, taking a receipt for the same. Cashiers to return the books, with the undisposed tickets, with an account of monies received and paid in. Undisposed tickets to be delivered into the exchequer. Tickets of the middle columns to be rolled up, and fastened with thread or silk; and cut off indentwise into a box marked with the letter (A), and put into another box to be locked up, and sealed. Books to be prepared with two columns, on each of which 50,000 tickets are to be printed. The number and value of fortunate tickets are, 2 of 20,000*l.* each; 3 of 10,000*l.* each; 5 of 5000*l.* each; 10 of 2,000*l.* each; 15 of 1,000*l.* each; 30 of 500*l.* each; 100 of 100*l.* each; 150 of 50*l.* each; 16,275 of 20*l.* each: and also 1,000*l.* to the first-drawn ticket of the first day; 1,000*l.* to ditto the 4th day; 1,000*l.* to ditto the 7th day; 1,000*l.* to ditto the 10th day; 1,000*l.* to ditto the 13th day; 1,000*l.* to the first-drawn ticket the 16th day; 1,000*l.* to the last-drawn. Tickets in the outermost column of the last-mentioned books to be rolled up and tied, and

and cut off into a box marked with the letter (B), &c. Publick notice to be given of putting the tickets into the boxes. Lottery to begin drawing on Feb. 12, 1787. Method to be observed in drawing, &c. Number of the fortunate tickets, and the sums, to be printed. Disputes to be adjusted by the managers. Penalty on forging tickets, &c. felony, death. Offenders (not in prison) discovering persons guilty, to receive a pardon, and 50l. reward. Proviso, not to cause corruption of blood, loss of dower, or disinheritance of heirs. Managers to be sworn. The oath:

I A. B. as a manager and director of the lottery to be drawn in pursuance of an act of parliament, made in the twenty-sixth year of his Majesty's reign, do swear, That I will faithfully execute the trust reposed in me; and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot therein, for myself, or any other person whatsoever; and that I will do the utmost of my endeavours to prevent any undue or sinister practice to be done by any person whatsoever; and that I will, to the best of my judgement, declare to whom any prize, lot, or ticket of right does belong, according to the true intent and meaning of the said act.

Cashier may receive the sums subscribed before receiving the lottery book; giving a note for the same; which shall entitle the bearer to a ticket for every 13l. 15s. and 6d. paid. Contributors not making good their payments within the times limited, forfeit their deposits, and the tickets to be returned to the managers, &c. Commissioners of the treasury may reward the managers, &c. as they shall think fit. The 500,000l. for the payment of the fortunate tickets, to be charged on any supplies granted this session; and shall be paid to the proprietors, without any deduction, on June 1, 1787, etc. Managers to give notice of the times for exchanging tickets for certificates. Certificates to be numbered, &c. and signed by the managers. Commissioners of the treasury empowered to defray the incidental expences attending the execution of this act. No fee to be taken for receiving or paying contribution-mones, or for any receipts, &c. on penalty of 20l. General issue. Treble costs.

C A P. LXVI.

An act for appointing commissioners further to enquire into the fees, gratuities, perquisites, and emoluments, which are, or have been lately, received in the several publick offices therein mentioned; to examine into any abuses which may exist in the same; and to report such observations as shall occur to them, for the better conducting and managing the business transacted in the said offices.— This act the same as last year.

25 Geo. 3. c. 19, continued in force till the end of the next session of parliament.

C A P. LXVII.

An act for appointing and enabling commissioners further to examine, take, and state the publick accounts of the kingdom.

William Roe, esq; appointed a commissioner, and the act of 25 Geo. 3. c. 68. and the former acts continued till one year after July 22, 1786.

C A P. LXVIII.

An act for appointing commissioners further to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in America, in consequence of their loyalty to his Majesty, and attachment to the British government.

Preamble.

23 Geo. 3.
c. 80.

WHEREAS by an act, made in the twenty-third year of the reign of his present Majesty, (intituled, An act for appointing commissioners to enquire into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in America, in consequence of their loyalty to his Majesty, and attachment to the British government), and also by an act made in the twenty-fifth year of the reign of his present Majesty, certain persons were constituted commissioners for enquiring into the respective losses and services of all such person and persons who have suffered in their rights, properties, and professions, during the late unhappy dissentions in America, in consequence of their loyalty to his Majesty, and attachment to the British government: and whereas the purposes intended by the said acts are not yet compleated, and it is therefore necessary that the said acts should be further continued; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That *John Wilmot* esquire, colonel *Robert Kingston*, colonel *Thomas Dundas*, *John Marsh* esquire, *Feremy Pemberton* esquire, and *Robert Mackenzie* esquire, shall be, and they are hereby constituted commissioners for the purposes in the said recited acts mentioned.

Commission-
ers.

Commission-
ers to be
sworn.

II. And be it further enacted, That any two commissioners in this act named, before they enter upon the execution of the same, shall take an oath before the master of the rolls for the time being, or one of his Majesty's justices of the court of king's bench, common pleas, or barons of the exchequer, (which they or either of them are hereby authorized and required to administer) in the form following; that is to say,

The oath.

I A. B. do swear, That, according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several powers and trusts vested in me by an act, (intituled, An act for appointing commissioners further to enquire into the losses and services of all such persons who have suffered in their rights, properties and professions, during the late unhappy dissentions in America, in consequence of their loyalty to his Majesty, and attachment to the British government) according to the tenor and purport of the said act.

And every other of the said commissioners, in this act named, shall likewise take the same oath before the said two commissioners;

ſioners, who are hereby authoriſed and required to adminiſter the ſame, after they ſhall themſelves have taken the ſaid oath as aforeſaid.

III. And be it further enacted, That it ſhall and may be lawful to and for the ſaid commiſſioners, or any two or more of them, and they are hereby authoriſed, impowered, and required, to examine upon oath (which oath they, or any two or more of them, are hereby authoriſed to adminiſter), all perſons whom the ſaid commiſſioners, or any two or more of them, ſhall think fit to examine, touching all ſuch matters and things as ſhall be neceſſary for the execution of the powers veſted in the ſaid commiſſioners by this act; and all ſuch perſons are hereby directed and required punctually to attend the ſaid commiſſioners at ſuch time or place as they, or any two or more of them, ſhall appoint.

Commiffioners may examine parties on oath.

IV. And be it enacted by the authority aforeſaid, That the ſaid commiſſioners, or any two or more of them, are hereby authoriſed to meet and fit, from time to time, at their preſent place of meeting, or at ſuch other place as they, or any two or more of them, ſhall think proper, with or without adjournment, and to ſend their precept or precepts, under their hands and ſeals, for any perſon or perſons whatſoever, and for ſuch books, papers, writings, or records, as they ſhall judge neceſſary for their information in the execution of the powers veſted in the ſaid commiſſioners by this act; and the ſaid commiſſioners, or any two or more of them, are hereby authoriſed to appoint and employ ſuch clerks, meſſengers, and officers as they ſhall think meet, and to give to every of the ſaid clerks and officers an oath for his true and faithful demeanor, in all things relating to the due performance of the truſt reſoſed in him by the ſaid commiſſioners, and in all other things touching the premises; which clerks and officers are hereby required faithfully to execute and perform the truſt in them ſeverally and reſpectively reſoſed, without taking any thing for ſuch their ſervice, other than ſuch ſalary or rewards as the ſaid commiſſioners, or any two or more of them, ſhall think fit to direct and appoint in that behalf.

Commiffioners to meet, and to ſend for perſons or papers,

to appoint clerks, &c.

V. And be it enacted by the authority aforeſaid, That if it ſhall have appeared to the commiſſioners appointed by the ſaid recited acts, or ſhall hereafter appear to the commiſſioners appointed by this act, that any perſon hath delivered, or ſhall hereafter deliver to them, an account or claim beyond the real loſs ſuſtained by him or her, with an intent to obtain more than a juſt compensation; and if the ſaid commiſſioners, or any two or more of them, ſhall have been or ſhall hereafter be of opinion that ſuch account or claim was or is fraudulent, then ſuch perſon ſo having claimed, or who ſhall hereafter ſo claim, ſhall be abſolutely excluded from any compensation or proviſion whatſoever.

Perſons delivering in fraudulent claims to be excluded from any compensation.

VI. And be it further enacted by the authority aforeſaid, That in caſe any perſon or perſons, upon examination upon oath

Perſons giving falſe evidence to be liable to oath

the penalties
of perjury.

oath before the ſaid commiſſioners, or any two or more of them reſpectively, as before mentioned, ſhall wilfully and corruptly give falſe evidence, every ſuch perſon ſo offending, and being thereof duly convicted, ſhall be and is and are hereby declared to be ſubject and liable to ſuch pains and penalties as by any law now in being perſons convicted of wilful and corrupt perjury are ſubject and liable to.

Commiſſion-
ers in the co-
lonies to con-
tinue to en-
quire into
claims;

VII. *And whereas by the ſaid act, made in the twenty-fifth year of the reign of his preſent Maſteſty, it was enacted, that colonel Thomas Dundas and Jeremy Pemberton eſquire, ſhould and they were thereby directed and required to repair to Nova Scotia, or any other of his Maſteſty's colonies in America, to enquire into ſuch claims: and whereas the ſaid colonel Thomas Dundas and Jeremy Pemberton eſquire, did, in purſuance of the directions, and for the purpoſes mentioned in the ſaid act, repair to Nova Scotia, and it is therefore proper that the powers and authorities veſted in them by the ſaid act, ſhould be continued;* be it therefore enacted, That the ſaid colonel Thomas Dundas, and Jeremy Pemberton eſquire, ſhall, and they are hereby directed and required in Nova Scotia, or any other of his Maſteſty's colonies in America, to continue to enquire into ſuch claims, with the ſame powers and authorities for enquiring into ſuch claims as the commiſſioners appointed by the ſaid recited acts and this preſent act, for enquiring into the loſſes and ſervices of all ſuch perſons who have ſuffered in their rights, properties, and poſſeſſions, during the late unhappy diſſentions in America, in conſequence of their loyalty to his Maſteſty, and attachment to the *British* government, are inveſted with; and in caſe the ſaid commiſſioners ſhall differ in opinion with reſpect to any claim, then, in ſuch caſe, it ſhall be lawful for the ſaid commiſſioners to call to their aſſiſtance the governor of any colony to which they may judge it neceſſary to repair; and the ſaid governor agreeing in opinion with either of the ſaid commiſſioners, ſhall decide the matter or queſtion in diſpute; and in caſe of the death of either of them the ſaid Thomas Dundas or Jeremy Pemberton, that then the governor of the colony, where ſuch enquiry ſhall from time to time be carried on, ſhall be added to and joined with the ſurvivor of them the ſaid Thomas Dundas and Jeremy Pemberton, and ſhall be inveſted with the ſame powers and authorities as the perſon ſo dying is hereby inveſted with.

and in caſe of
difference of
opinion, to
require the
aſſiſtance of
the governor,
who, in caſe
of the death
of a commiſ-
ſioner, is to
ſupply his
place.

Commiſſion-
ers may ap-
point perſons
to travel in
America to
enquire into
facts.

VIII. And be it enacted, That the ſaid commiſſioners, or any two of them, are hereby impowered, if they ſhall think proper, to appoint, under their hands and ſeals, a proper perſon or perſons to repair to any part of the united ſtates of America, to enquire into ſuch facts and circumſtances as they may think material for the better aſcertaining the ſeveral claims which have been preſented under the authority of the ſaid acts.

IX. *And whereas an act was paſſed in the ſixteenth year of his preſent Maſteſty, (intituled, An act to prohibit all trade and intercourſe with the colonies of New Hampſhire, Maſſachuſet's Bay,*

Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of the present rebellion within the said colonies respectively; for repealing an act, made in the fourteenth year of the reign of his present Majesty, to *discontinue the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of Boston, in the province of Massachusetts Bay*; and also two acts, made in the last session of parliament, for restraining the trade and commerce of the colonies in the said acts respectively mentioned; and to enable any person or persons, appointed and authorized by his Majesty to grant pardons, to issue proclamations, in the cases, and for the purposes therein mentioned); *whereby it was enacted, That all trade and commerce should be prohibited with the colonies therein mentioned, and that all ships and vessels of or belonging to the inhabitants of the said colonies, together with their cargoes, apparel, and furniture, and all other ships and vessels whatsoever, together with their cargoes, apparel, and furniture, which should be found trading in any port or place of the said colonies, or going to trade, or coming from trading in any such port or place, should become forfeited to his Majesty, as if the same were the ships and effects of open enemies, and should be so adjudged and taken in all courts of admiralty, and in all other courts whatsoever: and whereas vessels, effects, goods, or merchandize, belonging to inhabitants of the said colonies, who were loyal subjects to his Majesty, may have become forfeited, and may have been adjudged and condemned as lawful prize under the said act*; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners appointed by this act, to enquire into losses sustained in consequence of the said act, by any such inhabitants, who shall give sufficient proof, to the satisfaction of the said commissioners, of their loyalty to his Majesty, and attachment to the *British* government.

Commissioners to enquire into losses sustained in consequence of an act 16 Geo. 3. c. 5.

X. And be it further enacted, That the said commissioners shall, from time to time, at their discretion, or as often as they shall be thereunto required, and as soon as possible after the determination of their examinations and proceedings, by virtue of this act, without any further requisition, give an account of their proceedings, in writing, to the lords commissioners of his Majesty's treasury, and to his Majesty's principal secretaries of state for the time being.

Commissioners to give an account of their proceedings to the treasury and secretaries of state.

XI. And be it further enacted, That the lords commissioners of the treasury, or lord high treasurer for the time being, are hereby authorized and required to issue and cause to be paid all such sums of money, not exceeding two thousand pounds, to such person or persons as the said commissioners, or any two or more of them, shall, by writing under their hands, desire or direct, out of any part of the public monies remaining in his Majesty's exchequer; which sum so issued and paid, shall be employed for the payment of clerks, messengers, and other officers, and in defraying all other necessary charges in or about

Treasury to pay 2,000l. to the commissioners;

for paying clerks, &c.

the execution of the powers of this act, and in such manner and in such proportions, as shall be appointed by the said commissioners, or any two or more of them, by writing under their hands and seals in that behalf, the same to be accounted for by the person or persons to whom the same shall be issued and paid, according to the course of his Majesty's exchequer, without any fee or other charges to be taken or demanded for the issuing and payment of the same, or on the passing of the said accounts, other than such sum as the said commissioners, or any two or more of them, shall appoint; and which money so issued shall not be subject to any tax, duty, rate, or assessment whatsoever, imposed by authority of parliament.

Commissioners may receive half pay on taking the following

XII. Provided always, and be it enacted, That any of the said commissioners being on half pay, as an officer of the navy or army, shall be intitled to receive such half pay, notwithstanding any compensation that may be made to him for executing the powers of this act, on his taking the following oath before some justice of the peace, who is hereby empowered to administer the same:

Oath.

I A. B. do swear, That I had not, between any place or employment of profit, civil or military, under his Majesty, besides such compensation as shall have been or may be made to me as a commissioner for enquiring into the losses and services of all such persons who have suffered in their rights, properties, and professions, during the late unhappy dissensions in America, in consequence of their loyalty to his Majesty, and attachment to the British government.

And the taking the said oath shall be sufficient to intitle such person to receive his half pay, without taking any other oath; any law, usage, or custom, to the contrary thereof notwithstanding.

In case of the death, &c. of a commissioner during the recess of parliament, his Majesty may appoint another.

XIII. And be it further enacted by the authority aforesaid, That in case of a vacancy or vacancies, by death or resignation, of any one or more of the said commissioners, during the recess of parliament, it shall and may be lawful for his Majesty to nominate and appoint such person or persons as he may think proper to supply such vacancy or vacancies; and that every person, so nominated and appointed, shall be held and considered to be invested with all the same powers as are delegated to the commissioners appointed by this act.

Continuance of this act.

XIV. And be it further enacted, That this act shall continue in force for one year, from the fifteenth day of July, one thousand seven hundred and eighty-six, and no longer.

C A P. LXIX.

An act for defraying the charge of the militia in that part of Great Britain called England for one year, beginning the twenty-fifth day of March, one thousand seven hundred and eighty-six.

C A P.

C A P. LXX.

An act to rectify a mistake in an act made in this present session of parliament, intituled, "An act for granting to his Majesty a certain sum of money out of the sinking fund; and for applying certain monies therein mentioned for the service of the year one thousand seven hundred and eighty six; and for further appropriating the supplies granted in this session of parliament."

The mistake was one million five hundred pounds, instead of one million five hundred thousand pounds, which the clerk of the parliaments was empowered to rectify.

C A P. LXXI.

An act for regulating houses, and other places, kept for the purpose of slaughtering horses.

WHEREAS the practice of stealing horses, cows, and other Preamble.
cattle, hath of late years increased to an alarming degree;

and hath been greatly facilitated by certain persons of low condition, who keep houses or places for the purpose of slaughtering horses and other cattle; for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, From July 20, 1786, every person keeping a slaughtering house, to take out a licence, &c. from and after the twentieth day of July, in the year of our Lord one thousand seven hundred and eighty-six, no person or persons shall keep or use any house or place, for the purpose of slaughtering or killing any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, which shall not be killed for butcher's meat, without first taking out a licence for that purpose, at the general quarter sessions held for the county, riding, city, town, district, division, or liberty, wherein such slaughtering house or place shall be situate; and the justices of the peace, at their general quarter sessions assembled, are hereby authorized and empowered to grant such licences as aforesaid, upon a certificate, under the hands and seals of the minister and churchwardens, or overseers, or of the minister and two or more substantial householders of the parish wherein the person or persons applying for such licence shall dwell, that such person or persons is or are fit and proper to be trusted with the management and carrying on such business as aforesaid: provided always, That, in case of the death of any person to whom such licence as aforesaid shall be granted, it shall and may be lawful for the widow, or personal representative of such person so dying, to carry on the said business until the then next ensuing general quarter sessions of the peace.

II. And be it further enacted, That every such licence shall Justices to grant licences, which are to be entered, &c. be signed by the justices of the peace assembled at such general quarter sessions, or by the major part of them; and a copy of every such licence shall be entered in a book to be kept for that purpose by the clerk of the peace of the county wherein the

same shall be so granted as aforesaid; and that all and every person and persons shall have liberty, at all times (*Sundays excepted*), between the hours of ten and twelve of the clock in the forenoon, to search the office of such clerk of the peace wherein any such copy shall be entered or kept, and to make an extract or extracts from the same, paying for every such search the sum of sixpence; and all and every person and persons so licensed as aforesaid shall cause to be painted or affixed, over the door or gate of the house or place where he, she, or they shall carry on the said business, in large legible characters, his, her, and their name and names, with the words *Licensed for slaughtering horses, pursuant to an act passed in the twenty-sixth year of his majesty King George the Third.*

Persons licensed to affix to their houses the words herein mentioned.

Previous notice to be sent, when horses, etc. are intended to be slaughtered, to the inspector, who is to take an account of the beasts.

Times of slaughtering, etc.

Account to be kept, by the owners of slaughtering houses, of the owners of the cattle brought, etc.

III. And be it further enacted, That every occupier and occupiers of every such licensed slaughtering house or place shall, six hours previous to the slaughtering or killing of any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, which shall not be killed for the purpose of butcher's meat, and previous to the slaying any such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, brought dead to such slaughtering house or other place, give notice in writing to a person to be appointed in manner herein-after mentioned, as inspector, to the intent that such inspector may, upon such notice as aforesaid, and before any such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, shall be slaughtered, killed, or flayed, take an exact account and description of the height, age, (as near as may be) colour, and particular marks of every horse, mare, gelding, foal or filly, ass or mule, brought alive for the purpose of being slaughtered or killed, or brought dead as aforesaid, and of the colour and particular marks of every cow, bull, heifer, ox, calf, sheep, hog, goat, or other cattle, brought alive or dead for either of the purposes aforesaid; and no such horse, mare, gelding, foal, or filly, ass, mule, ox, bull, cow, or heifer, calf, sheep, hog, goat, or other cattle, shall be slaughtered, killed, or flayed, but between the hours of eight of the clock in the morning and four of the clock in the evening, during the months of *October, November, December, January, February, and March*; and between the hours of six of the clock in the morning and eight of the clock in the evening, during the months of *April, May, June, July, August, and September*, in every year.

IV. And be it further enacted, That every person so licensed as aforesaid shall, at the time any horse, mare, or gelding, colt, filly, ass, or mule, or any ox, bull, cow, heifer, calf, sheep, hog, goat, or any other cattle, shall be brought for the purpose of slaughtering, killing, or slaying, make, or cause to be made, an entry in a book, to be kept for that purpose, in a fair legible hand, of the name and names, place and places of abode, profession and professions of the owner or owners thereof, and also of the person and persons who shall bring the same to be slaughtered,

slaughtered, killed, or flayed, and the reason or reasons why the same is brought to be slaughtered, killed, or flayed, which reason and reasons, the person or persons bringing the same is and are hereby required to declare to such person or persons so licensed as aforesaid; which book shall at all times be open for the perusal and examination of the inspector and inspectors to be appointed under this act; and all and every such licensed person and persons shall at all times attend with, and produce such book before any one justice of the peace for the county, city, liberty, or place where such licensed slaughtering house or place shall be situate, when required by warrant or order under the hand and seal of such justice of the peace so to do, and shall likewise produce the same at every general quarter sessions of the peace which shall be held in and for the said county.

V. And be it further enacted, That such of the parishioners, as by law are intituled to meet in vestry for the purpose of choosing parish officers, shall, in every parish wherein any such slaughtering house or place shall be situated, annually, or oftener, as occasion may require, appoint one or more proper person or persons to be an inspector or inspectors to inspect every such slaughtering house and place as aforesaid, to whom all and every occupier and occupiers, person and persons, carrying on such business as aforesaid, shall, six hours previous to his, her, or their slaughtering, killing, or flaying any such horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, give notice in writing of his, her, or their intention so to do; and such inspector or inspectors shall in person, or by his or their servant or servants, attend at the slaughtering house or place of the person or persons so giving such notice, and there take such account and description as herein-before directed; and every such inspector shall and is hereby required to keep a book or books, and therein to make an entry of every such account and description; and every such occupier or person carrying on such business as aforesaid shall, for every such entry, pay to such inspector sixpence; and all and every person and persons desiring to inspect such book or books shall have access to the same at all times, between the hours of eight of the clock in the morning and five in the evening, during the months of *October, November, December, January, February, and March*, and between the hours of six of the clock in the morning and eight in the evening, during the months of *April, May, June, July, August, and September*, in every year, paying to such inspector, for every such search, the sum of sixpence, and no more; and every such inspector, so appointed as aforesaid, shall cause to be painted or affixed over the door of the house where he resides, his name, and the words, *Inspector of houses and places for slaughtering horses*; and in case such inspector or inspectors shall, upon examination of any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle,

Vestry to appoint inspectors.

Inspectors duty.

intended to be slaughtered or killed, have reason to believe, or be of opinion, that such horse, mare, gelding, colt, filly, afs, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, is or are free from difeafe, and in a found and fer-viceable ftate, or that the fame has been ftolen, or unlawfully come by, he or they fhall have power, and is and are hereby authorized and required to prohibit the flaughtering or killing of any fuch horse, mare, gelding, colt, filly, afs, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, for any time not exceeding the fpace of eight days; and in the mean time fhall and is and are hereby directed and required to caufe an advertisement or advertisements to be inferted in the *Daily Advertiser*, or fome publick newspaper circulated in the county where fuch flaughter houfe or place fhall be fituated, twice or oftener, unlefs the owner or owners of fuch horse, mare, gelding, colt, filly, afs, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, fhall fooner claim the fame, to certify under his, her, or their hand or hands to, or otherwife fatisfactorily inform the faid infpector or infpectors, that he, ſhe, or they fent or delivered, or caufed the faid horse, mare, gelding, colt, filly, afs, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other fuch cattle, to be delivered to the faid perfon or perfons fo licenfed for the purpofe of being flaughtered or killed, the expence of inferting fuch advertisement or advertisements, as aforefaid, to be paid by the occupier or occupiers of fuch flaughtering houfe or place to fuch infpector or infpectors; and in cafe fuch occupier or occupiers of fuch flaughtering houfe or place fhall refufe to defray or pay the fame, and fhall be thereof convicted on the oath of any fuch infpector as aforefaid before any one juftice of the peace for the county or diftrict wherein fuch flaughtering houfe or place fhall be fituated, he, ſhe, or they, fhall forfeit double the amount of the charge of fuch advertisement or advertisements, to be raifed by diftreff and fale of the goods and chattels of fuch offender or offenders, by warrant under the hand and feal of any fuch juftice as aforefaid; and the form of fuch conviction fhall be as follows:

Form of conviction for refufing to pay for advertisements of the infpectors.

A. *B. is convicted, on the oath of C. D. infpector of houfes and places for flaughtering horfes, for the parifh of E. in the county of D. of refufing to pay the ſum of _____ being the expence of an advertisement or advertisements (as the cafe may be) inferted in the Daily Advertiser, or ſome other publick newspaper circulated in the county, (as the cafe may be), purfuant to the directions of the ftatute in that cafe made and provided.*

Given under my hand and feal this _____ day of _____

F. G.

Infpectors may vifit flaughtering houfes at all times.

VI. And be it further enacted, That it fhall and may be lawful to and for every infpector fo appointed as aforefaid, at all times, in the day or night, but if in the night, then in the prefence

presence of a constable, to go to, enter into, and inspect, any house or place kept for slaughtering or killing horses by any person or persons licensed as aforesaid; and also any stable, building, shed, yard, or place belonging thereto, and then and there to examine, search for, and see if any horse, mare, gelding, foal, filly, ass, or mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, is or are deposited or have been brought there, and to take an account thereof; and all and every person and persons, so licensed as aforesaid, having, keeping, or using any such house or place for slaughtering horses, shall, and is and are hereby directed and required to permit and suffer any such inspector as aforesaid, at all times in the day and night, but if in the night, then in the presence of a constable, to enter into and inspect such house or place, and also any stable, building, shed, yard, or premises belonging thereto, and freely to examine, search for, and see, any horse, mare, gelding, foal, filly, ass, or mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, then and there being, and to take such account as herein-before directed.

VII. And be it further enacted, That in case any person or persons who shall offer to sale, or shall bring any horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, to any person or persons keeping such slaughtering house, or place as aforesaid, to be slaughtered or killed, or being dead, to be flayed or skinned, shall not be able, or shall refuse to give a satisfactory account of himself, herself, or themselves, or of the means by which the same came into his, her, or their possession; or if there shall be any reason to suspect that such horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, is or are stolen, or otherwise unlawfully obtained, it shall and may be lawful for the person or persons keeping such slaughtering house, or place as aforesaid, to whom the same shall be brought or offered to sale, and for his, her, or their servants, agents, or assistants, and also for the said inspector or inspectors, or his or their servant or servants as aforesaid, to seize and detain such person or persons; and also every such horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, so brought or offered to sale as aforesaid, and to deliver such person or persons, as soon as conveniently may be, into the custody of a constable or other peace officer, who shall, and is hereby required immediately to convey such person or persons before a justice of the peace for the county, riding, division, city, liberty, or place, where the offence shall be committed; and if such justice shall, upon examination and enquiry, have cause to suspect that such horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, is or are stolen or unlawfully obtained, it shall and may be lawful for such justice to commit such person or persons into safe custody, for any time not exceeding the space of six days, in order to be further examined;

Persons bringing cattle refusing to give an account of themselves, etc. may be carried before a justice.

Justices may commit suspected persons.

and if upon either of the said examinations, such justice shall be satisfied, or have reason to believe, that such horse, mare, gelding, foal, filly, ass, mule, bull, cow, ox, heifer, calf, sheep, hog, goat, or other cattle, is or are stolen, or illegally obtained, the said justice is hereby authorized and required to commit the person or persons, so bringing or offering the same to sale, to the common gaol or house of correction of the county, riding, division, city, liberty, or place, wherein the offence shall be committed, there to be dealt with according to law.

Persons slaughtering horses, etc. without licence, etc. guilty of felony.

VIII. And be it further enacted, That if any person or persons, keeping or using any such slaughtering house or place as aforesaid, shall, at any time from and after the twentieth day of *July*, one thousand seven hundred and eighty-six, slaughter any horse, mare, or gelding, foal or filly, ass or mule, or any bull, cow, heifer, ox, calf, sheep, hog, goat, or other cattle, for any other purpose than for butcher's meat, or shall slay any horse, mare, gelding, foal, filly, ass, mule, bull, cow, heifer, ox, calf, sheep, hog, goat, or other cattle, brought dead to such slaughtering house or other place, without taking out such licence, or without giving such notice as aforesaid, or shall slaughter, kill, or slay the same, at any time or times other than and except within the hours herein-before limited, or shall not delay slaughtering or killing the same, according to the direction of such inspector so authorized to prohibit the same as aforesaid, such person or persons so offending in either of the said cases, being thereof convicted, shall be adjudged, deemed, and taken to be guilty of felony, and shall be punished by fine and imprisonment, and such corporal punishment, by public or private whipping, or shall be transported beyond the seas for any time not exceeding seven years, as the court, before whom such offender or offenders shall be tried and convicted, shall direct.

Persons destroying hides, etc. to be deemed guilty of misdemeanors.

IX. *And whereas divers ill-disposed persons, keeping such slaughtering houses and places as aforesaid, have, in order to prevent enquiry and detection, made a practice of throwing the hides of horses and other cattle into lime pits, or otherwise immersing in or rubbing the same with lime, or some other corrosive matter;* be it therefore enacted by the authority aforesaid, That if any person or persons, keeping or using any such slaughtering house or place as aforesaid, shall, at any time from and after the twentieth day of *July*, one thousand seven hundred and eighty-six, throw into any lime pit or lime pits, or otherwise immerse in lime, or any preparation thereof, or rub therewith, or with any other corrosive matter, or destroy or bury the hide or hides, skin or skins, of any horse, mare, gelding, colt, filly, ass, mule, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, by him, her, or them slaughtered, killed, or slayed, or shall be guilty of any offence against this act, for which no punishment or penalty is expressly provided or declared, such person or persons, being convicted thereof, shall be adjudged, deemed, and taken to be guilty of a misdemeanor, and shall be punished by fine and imprisonment, and such corporal punishment, by public

public or private whipping, as the court before whom fuch offender or offenders fhall be tried and convicted, fhall direct.

X. And be it further enacted, That if any perfon or perfons, fo licenfed as aforefaid, fhall make, or caufe to be made, any falfe entry in any fuch book, by him, her, or them to be kept as aforefaid, of any matter or matters, thing or things, fo required by him, her, or them to be made in fuch book as aforefaid, he, ſhe, or they, being convicted thereof, upon the oath of two credible witneffes, before any one juftice of the peace for the county, riding, franchise, or diftrict wherein fuch ſlaughtering houfe or place fhall be fituated (which faid oath the faid juftice is hereby authorized and required to adminifter) fhall, for every fuch offence, forfeit any fum not exceeding twenty pounds, nor lefs than ten pounds, to be levied by diftreff and fale of the goods and chattels of fuch offender or offenders, by warrant under the hand and feal of fuch juftice (the furplus arifing from fuch diftreff and fale, after the deduction of the charges thereof, to be reftored), one moiety thereof to be paid to the informer, and the other moiety thereof to be forthwith paid or tranfmitted, by the faid juftice, to the overfeers of the poor, or one of them, for the ufe of the poor of the parifh wherein fuch offender or offenders fhall refide; and in cafe fuch offender or offenders fhall not have effects to the amount of the faid penalty, it fhall be lawful for fuch juftice, after fale and application as aforefaid of fuch effects as fhall be found, to commit him, her, or them to the houfe of correction, there to be confined to hard labour for any time not exceeding three months, not lefs than one month.

Persons making falfe entries liable to penalty, &c.

XI. And be it further enacted, That a conviction for any fuch offence, in the tenor or to the effect following, fhall be good, to all intents and purpofes :

BE it remembered, That on this *day of*
in the year *A. B. licenfed for*
ſlaughtering horfes, is convicted, upon the oaths of C. D. and E. F.
two credible witneffes, before me G. H. one of his Majesty's juftices
of the peace for the county of *of having wilfully*
made, or caufed to be made, [as the cafe may be], a falfe entry in
the book required by the ftatute, in that cafe made and provided, to be
kept by the faid A. B. whereby he, [ſhe, or they] has [or have] for-
feited the fum of

Form of conviction when penalties are not paid.

Given under my hand and feal, the day and year above written.

XII. And be it further enacted, That the book and books of all and every the infpector and infpectors of every parifh wherein any fuch ſlaughtering houfe or place fhall ftand or be fituated, fhall be produced at every general quarter feffions of the peace, to be holden in and for the county wherein any fuch licence fhall be granted, and delivered to the juftices of the peace at fuch general

Infpectors books to be produced at the quarter feffions.

general quarter feflions affembled, then and there to be examined by them as they fhall think fit.

Penalty on
perfon lending
houfes for
the purpofe of
flaughtering.

XIII. And be it further enacted, That if any perfon or perfons fhall occasionally lend any houfe, barn, ftable, or other place, for the purpofe of flaugttering or killing any horfe, mare, gelding, colt, filly, afs, mule, bull, ox, cow, heifer, calf, fheep, hog, goat, or other cattle, which fhall not be killed for butchers meat, without taking out fuch licence as aforefaid, and fhall be thereof convicted before any juftice of the peace for the county, riding, city, town, diftrict, divifion, or liberty, wherein fuch perfon or perfons fhall refide, upon the oath of two credible witneffes, he, ſhe, or they fhall forfeit, upon conviction, for every fuch offence, any ſum not exceeding twenty pounds, nor lefs than ten pounds; one moiety thereof to be paid to the informer, and the other moiety to the poor of the parifh where the offence fhall be committed; and which ſaid laft mentioned moiety fhall, upon payment thereof, be immediately tranſmitted by the juftice fo convicting to the overfeers of the poor of the ſaid parifh, or one of them; and in caſe fuch penalty fhall not be forthwith paid, fuch juftice fhall commit the offender to the common gaol or houfe of correction, there to remain without bail or mainprize for any time not exceeding three calendar months, nor lefs than one calendar month, unlefs the ſaid penalty fhall be ſooner paid; and the form of fuch conviction fhall be as follows, or to the like effect:

Form of conviction when the ſaid penalty is not paid.

BE it remembered, That on this *day of*
A. B. was convicted, upon the oaths of two credible witneffes, before me C. D. one of his Majesty's juftices of the peace for the county of _____, for occasionally lending a houfe [or place, as the caſe may be], for the purpofe of flaugttering horfes, [or, as the caſe may be, of flaugttering cattle for other purpofes than for butchers meat], without a licence for that purpofe firft obtained, according to the ſtatute in that caſe made and provided.

Given under my hand and ſeal, the day and year above written.

Act not to extend to curriers, etc. killing diftempered horfes, &c.

XIV. Provided always, That this act ſhall not extend to any currier, felt-maker, tanner, or dealer in hides, who ſhall kill any diftempered or aged horfe, mare, gelding, colt, filly, afs, mule, bull, ox, cow, heifer, calf, ſheep, hog, goat, or other cattle, or purchaſe any dead horfe, mare, gelding, colt, filly, afs, mule, ox, cow, heifer, calf, ſheep, hog, goat, or other cattle, for the bona fide purpofe of ſelling, uſing, or curing the hide or hides thereof, in the courſe of their reſpective trades; nor to any farmer employed to kill aged and diftempered cattle, nor to any perfon or perfons who ſhall kill any horfe, mare gelding, colt, filly, afs, mule, bull, ox, cow, heifer, calf, ſheep, hog, goat, or other cattle, of their own or other cattle, or purchaſing any dead horfe, or other cattle, to feed their own hounds or dogs, or giving away the fleſh thereof for the like purpofe.

XV. And

XV. And be it further enacted, That if any collar-maker, currier, felt-maker, tanner, or dealer in hides, or farrier, or other person, shall, under colour of their respective trades or occupations, knowingly or willingly kill any found or useful horse, gelding, mare, foal, or filly, or boil or otherwise cure the flesh thereof for the purpose of selling the same, such collar-maker, and other tradesman or person, shall be deemed and taken to be an offender within the meaning of this act, and shall, for every such offence, forfeit any sum not exceeding twenty pounds, nor less than ten pounds.

Collar-makers, &c. killing found horses, &c. liable to penalty.

XVI. And be it further enacted, That it shall and may be lawful for any justice of the peace before whom complaint shall be made for any offence against this act, to summon such person or persons, other than the party or parties complained against, as he shall think proper, to appear before him at a day certain, then and there to give evidence touching any offence committed against this act; and in case such person or persons shall wilfully refuse or neglect to attend, or give evidence touching such offence, he, she, or they shall forfeit the sum of ten pounds; and in default of payment thereof, or in case of inability to pay the same, shall stand committed to the common gaol or house of correction, for any time not exceeding three calendar months, nor less than one calendar month, unless the said penalty shall be sooner paid.

Witnesses refusing to attend the justices, to forfeit 10l.

XVII. And be it further enacted, That any inhabitant of the parish where any offence against this act shall be committed, shall, upon any complaint or hearing before any justice or justices of the peace, or upon any trial or examination by virtue of this act, be, and be deemed to be, a competent witness, notwithstanding his or her contributing to any of the rates or dues to such parish; or being a poor person relieved or relievable by the said parish, and entitled as such to receive any benefit or interest from any penalty or penalties to be paid or levied in pursuance of the directions of this act; any law or usage to the contrary notwithstanding.

Parishioners to be deemed competent witnesses.

XVIII. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted for any thing by him, her, or them done or executed in pursuance of this act, or of any clause, matter, or thing herein contained, such person or persons may plead the general issue, and give the special matter in evidence for his, her, or their defence; and if upon the trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

General issue.

Treble costs.

C A P. LXXII.

An act for explaining and amending an act, made in the twenty-fourth year of the reign of his present Majesty, intituled, An act for laying an additional duty on hackney coaches, and for explaining and amending several acts of parliament relating to hackney coaches.

Preamble.
The fares
established by
24 Geo. 3.
c. 27, re-
pealed.

WHEREAS by an act of parliament, made in the twenty-fourth year of his present Majesty's reign, (intituled, An act for laying an additional duty on hackney coaches, and for explaining and amending several acts of parliament relating to hackney coaches); the several rates and fares to be taken by hackney coachmen, and persons legally acting under them, for the hire of any such hackney coach, from and after the fourth day of September, one thousand seven hundred and eighty-four, are therein enumerated and set down: and whereas such rates and fares have been found insufficient to enable the hackney coachmen to pay the duties imposed, and also unsatisfactory to the publick: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of August, one thousand seven hundred and eighty-six, so much of the said recited act as enumerates the rates and fares to be taken by licensed hackney coachmen, or persons legally acting under them, shall be, and the same are hereby repealed; and that from and after the said first day of August, every person who is or shall be licensed by the commissioners for licensing and regulating hackney coaches and chairs, or the major part of them, to drive, keep, and let to hire, by the hour or day, or otherwise, any hackney coach, with horses and geldings or mares, within the cities of London and Westminster, or the suburbs of the same, or within the parishes or places comprized within the weekly bills of mortality, or any other place or places whereto, by any of the laws now in being, such hackney coachmen are compellable to go, or any person legally acting under such licensed person, shall be intituled to, and may demand, receive, and take, for the hire of any such hackney coach, the rates and fares herein-after mentioned; (that is to say);

For 1 mile
and 1-4th, 1s.
For 3-4ths of
a mile fur-
ther, 6d.
For half a
mile beyond
the former
3-4ths, 6d.; &
For every
half mile
further, 6d.

For every distance within, and not exceeding one mile and two furlongs, the sum of twelve-pence:

And for every further distance within, and not exceeding six furlongs (computed as beyond the said first mentioned distance of one mile and two furlongs), the sum of sixpence:

And for every further distance within, and not exceeding four furlongs (beyond the said second distance), the sum of sixpence:

And so in like manner the sum of sixpence for every further distance within, and not exceeding four furlongs, to be computed through

through the whole diftance which fuch coach fhall be driven or go :

And, as refpe&ting fuch coaches as fhall be confidered to be kept in waiting, the following rates and fares fhall and may be demanded, received, and taken; (that is to fay),

For 3-4ths of an hour, 1s.; between 3-4ths and an hour, 1s. 6d.

For any time, not exceeding three quarters of an hour, one fhilling; and for any time exceeding three quarters of an hour, and not exceeding one hour, one fhilling and fixpence:

Between an hour, and an hour and 20 minutes, 2s.; and for every 20 minutes afterwards, 6d. :

For any time exceeding one hour, and not exceeding one hour and twenty minutes, two fhillings; and for every period of time, not exceeding twenty minutes, to be computed from the expiration of the faid firft hour and twenty minutes, the fum of fixpence, to be computed through the whole time during which fuch coach fhall be engaged or employed:

And for a day's work or hire, reckoning twelve hours to the day, the fum of fourteen fhillings and fixpence; and for any time, to be computed from the conclufion of the faid twelve hours, fuch coach fhall be confidered as a coach in waiting, the fame fhall be paid for in the manner, and according to the rate aforefaid.

For a day of 12 hours, 14s. 6d.

II. And it is hereby further enacted by the authority aforefaid, That if any fuch hackney coachman, his renter or driver, fhall exact or take more for his or their hire than the feveral rates hereby limited; he or they fhall, for every fuch offence, be fubject and liable to fuch and the like penalties, forfeitures, and punifhments, to be levied, recovered, fuffered, and inflicted, by fuch perfons, and in fuch and the like manner and form, as by any law or laws now are in being, refpe&ting fuch hackney coachmen, their renters or drivers; and that the feveral rates and fares herein-before mentioned fhall and may be recovered, in fuch and the like manner as the fares of hackney coachmen are by any act or acts of parliament now recoverable.

Penalties for exacting more than thefe fares to be recovered as heretofore.

III. And be it further enacted by the authority aforefaid, That if any hackney coachman, his, her, or their renter or renters, fhall, from and after the faid firft day of *Auguft*, be in arrear of payment of any rent or rents, referved or made payable by any licence or licences, granted or to be hereafter granted by the faid commiffioners, or the major part of them, for any longer time than is or fhall be expreffed in fuch licence or licences, it fhall and may be lawful to and for the faid commiffioners, or the major part of them, to revoke fuch licence or licences, and to levy the rents and fums of money referved, and thereby made payable, either upon the goods and chattels of fuch owner or owners, or renter or renters, in fuch and the like manner and form as they may, by any law now in being, do with refpect to fuch owner or owners.

Licences may be revoked when arrears are not paid.

IV. And be it further enacted, That if any perfon or perfons fhall, at any time or times, be fued, molefted, or profecuted, for any thing by him or them done or executed in purfuanee of this act,

act, or of any clause, matter, or thing herein contained, such person and persons shall and may plead the general issue, and give the special matter in evidence for his and their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

C A P. LXXIII.

An act to discontinue, for a limited time, the payment of the duties upon low wines and spirits for home consumption, and for granting and securing the due payment of other duties in lieu thereof; and for the better regulation of the making and vending British spirits; and for discontinuing, for a limited time, certain imposts and duties upon rum and spirits imported from the West Indies.

Preamble.

Act 24 Geo.
3. c. 46,
recited.

WHEREAS, by several acts of parliament, in force at the time of the passing of a certain act of parliament, made in the twenty-fourth year of his present Majesty's reign, (intituled, An act to discontinue, for a limited time, the payment of the duties upon low wines and spirits for home consumption, and for granting and securing the due payment of other duties in lieu thereof; and for the better regulation of the making and vending British spirits, as well for home consumption as for exportation; and for destroying all home made and foreign spirits, after the condemnation thereof; and for vesting in his Majesty the duties of excise within the lands of *Ferentosh*, in the county of *Inverness*; and for discontinuing, for a limited time, certain imposts and duties upon rum and spirits imported from the *West Indies*), sundry rates and duties were granted upon low wines and spirits made in Great Britain, for home consumption: and whereas the said rates and duties were by the said act, made in the twenty-fourth year of the reign of his said Majesty, discontinued for a limited time, and other duties were by that act granted in lieu thereof for the same time: and whereas it is expedient to discontinue, for a further limited time, the rates and duties granted by the said acts of parliament in force at the time of the passing of the said act of parliament, made in the twenty-fourth year of his said Majesty's reign, upon low wines and spirits, made in that part of Great Britain called England, for home consumption, and to repeal so much of the said act as is herein-after repealed, and in lieu of the said rates and duties granted by the said acts of parliament in force at the time of the passing of the said act, made in the twenty-fourth year of his said Majesty's reign, and of the said rates and duties so granted in lieu thereof, to grant unto your Majesty, for the same limited time, the several rates and duties herein-after mentioned, and hereby imposed, and also to provide and enact the several powers, authorities, rules, regulations, and provisions herein-after mentioned, for the better raising, levying, collecting, and securing the said rates and duties hereby imposed; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present

present parliament affembled, and by the authority of the fame, That, for and during the fpace of two years, to be computed from the fifth day of July, one thousand feven hundred and eighty-fix, the faid rates and duties, by the faid acts of parliament in force at the time of the paffing of the faid act, made in the twenty-fourth year of his faid Majefty's reign, fo granted upon low wines and fpirits made in that part of *Great Britain* called *England* for home confumption, fhall be difcontinued, fave only and except in all cafes relating to the recovering any arrears thereof, which may at that time remain unpaid, or to any penalty or forfeiture, penalties or forfeitures, relating thereto refpectively; and that in lieu and ftead of the faid rates and duties fo difcontinued, and of the faid rates and duties hereby repealed, there fhall be raifed, levied, collected, and paid unto his Majefty, his heirs and fucceffors, the feveral rates and duties of excife following; (that is to fay),

For 2 years from July 5, 1786, the prefent duties to ceafe, and in lieu thereof the duties following to be paid, viz.

For every gallon of fermented wort or wafh, brewed or made for extracting fpirits for home confumption from any malt, corn, grain, or tilts, or any mixture with the fame, to be paid by the makers or diftillers thereof, the fum of fixpence:

For every gallon of wort from grain, 6d.

For every gallon of cyder or perry, or any other wafh or liquor made or brewed from any fort or kind of *British* materials (except fuch as are before mentioned), or from any mixture therewith, for extracting fpirits for home confumption, to be paid by the makers or diftillers thereof, the fum of five-pence:

For every gallon of cyder, &c. or of wafh, from other *British* materials than grain, 5d.

For every gallon of fermented wort or wafh, made or brewed from melaffes or fugar, or any mixture therewith, for extracting fpirits for home confumption, to be paid by the makers or diftillers thereof, the fum of eight-pence three farthings:

For every gallon of wort from melaffes or fugar, 8d. 3q.
For every gallon from foreign wine, &c. 1s.

And for every gallon of wafh compofed of foreign refufed wine or foreign cyder, or wafh prepared from foreign materials (except melaffes and fugar), or any mixture therewith, for extracting fpirits for home confumption, to be paid by the makers or diftillers thereof, the fum of one fhilling.

II. And be it further enacted by the authority aforefaid, That the faid duties by this act impofed fhall be under the receipt and management of the commiffioners of excife in *England* for the time being.

Duties to be under the management of the excife.

III. And be it further enacted by the authority aforefaid, That all and every diftiller and diftillers, and maker and makers of low wines or fpirits, fhall, four days at the leaft before he, ſhe, or they fhall begin to brew any corn or grain, or to mix any other materials for the making of wafh to be diftilled into low wines, make a true and particular entry in writing at the next office of excife, within the limits whereof his, her, or their workhoufe, ftill-houfe, ftorehoufe, warehoufe, or other place for the brewing, mixing, diftilling, making, or keeping wort, wafh, low wines or fpirits, is or fhall be fiteuate, of all coppers, tuns, backs, coolers, ftills, casks, and veffels, which he, ſhe, or they, fhall

Entry to be made of ftill-houfes, &c. previous to working, and not to be ufed otherwife than fpecified in the entry.

shall make use of for the brewing, mixing, fermenting, working, diftilling, holding, laying, or keeping any wort, wash, or low wines, or any spirits or feints; and in such entry shall insert the day when he, she, or they shall intend to begin first to brew any corn or grain, or to mix any other materials for the making of wort, wash, tilts, or other liquor to be distilled into low wines, and in such entry shall specify the particular use and purpose to and for which each such copper, tun, back, cooler, still, cask, and vessel, is intended to be used, applied and appropriated; and no such copper, tun, back, cooler, still, cask, or vessel, shall be used, applied, or appropriated, to any other use or purpose than that to which the same is in such entry specified to be intended to be used, applied, and appropriated, and which entry and entries shall be made out according to the schedule hereunto annexed, as the case may require; and if any such distiller or distillers, maker or makers of low wines or spirits, shall neglect to make such entry, specifying as aforesaid, or shall use, apply, or appropriate any such copper, tun, back, cooler, still, cask, or vessel, in the way of his, her, or their trade or business of a distiller or distillers, or maker or makers of low wines or spirits, to or for any other use or purpose than that to or for which such copper, tun, back, cooler, still, cask, or vessel, is in such entry specified to be intended to be used, applied, or appropriated, he, she, or they shall, for each and every such offence, forfeit and lose the sum of one hundred pounds, together with all wort, wash, low wines, spirits, feints, and other liquors respectively, which shall be found in any such copper, tun, back, cooler, still, cask, or vessel, at the time when such offence shall be committed; and such wort, wash, low wines, spirits, feints, and other liquor respectively, shall and may be seized by any officer or officers of excise.

Penalty on persons neglecting to make entry, &c.

Entries not to be withdrawn while duties are depending, etc.

Persons hindering officers from entering still-houses, forfeit 200l.

If officers are obstructed, they may break open

IV. And be it further enacted by the authority aforesaid, That no distiller or distillers, or maker or makers of spirits for home consumption, shall be allowed to withdraw or discontinue his, her, or their entry of any still-house or storehouse whilst any duty therein shall be depending, or any utensils for brewing, fermenting, or distilling, shall be standing; and that it shall and may be lawful for any officer or officers of excise, by night as well as by day, (but if in the night, then on producing his or their commission or commissions as such officer or officers), to enter, by the usual or most accustomed doors or passages, into all entered still-houses, and all other places where utensils for brewing, fermenting, or distilling are standing, belonging to any distiller or distillers, or maker or makers of low wines or spirits; and if any person or persons shall wilfully obstruct any such officer or officers of excise from having free ingress and regress into and from any such entered still-house, or place, every such person shall, for every such offence, forfeit and lose the sum of two hundred pounds; and after any obstruction, it shall and may be lawful to and for such officer or officers of excise, together with proper assistants, to break open by force any doors leading or belonging

belonging to fuch entered still-houfe or place, or any of the win- fill-houfes,
dows thereof, or to break through any of the walls, fo far as fhall etc.

be neceffary for obtaining entrance thereinto: provided always, That nothing herein contained fhall extend, or be conftrued to extend, to prevent the changing of any entry from the name of one owner or proprietor of the entered premifes, to the name of any fubfequent owner or proprietor thereof; or to prevent any diftiller or diftillers, or maker or makers of low wines or fpirits, from changing his, her, or their entry for making of fpirits for home confumption, to an entry for making of fpirits for exportation; or from changing his, her, or their entry for making of fpirits for exportation, to an entry for making of fpirits for home confumption; or from changing his, her, or their entry for the making of fpirits from corn or malt, to an entry for the making of fpirits from melaffes or fugar; or from changing his, her, or their entry for the making of fpirits from melaffes or fugar, to an entry for the making of fpirits from corn or malt; fo that every new entry, for the refpective purpofes aforefaid, be made on the fame day whereon fuch diftiller fhall have withdrawn or difcontinued his former entry; but if the new entry fhall not be made on the fame day in which the former entry fhall be withdrawn, fuch former entry fhall remain and continue in full force.

V. And be it further enacted by the authority aforefaid, That every fermenting wafh-back which, from and after the first day of *Auguft*, one thoufand feven hundred and eighty-fix, fhall be ufed or kept by any diftiller or maker, or diftillers or makers of low wines or fpirits, fhall have a hole or dipping place in the top thereof, and be fo placed and conftructed as that the officer of excife may be conveniently enabled to take his dip or gauge at fuch hole or dipping place at the top thereof; and that every fermenting, or other wafh-back fhall, after the first day of *February*, one thoufand feven hundred and eighty-feven, be fo conftructed and placed as that the top thereof fhall be under or beneath the level of the charging cock of the wafh ftill; and if any fuch diftiller or maker, or diftillers or makers of fpirits, fhall keep or ufe any fermenting wafh-back without fuch hole or dipping place being at the top thereof, or fhall have, keep, or ufe any fermenting wafh-back fo placed or conftructed as that the officer of excife cannot conveniently be enabled to take his dip or gauge at fuch hole or dipping place at the top thereof, he, ſhe, or they fhall, for every fuch offence, forfeit and lofe the fum of two hundred pounds.

VI. And be it further enacted by the authority aforefaid, That all and every diftiller and diftillers, and maker and makers of low wines and fpirits, fhall, after his, her, or their wafh-back or wafh-backs fhall be quite empty, and before the fame fhall be begun to be freſh limed, give or caufe to be given to fome or one of the officers of excife, under whoſe ſurvey he, ſhe, or they fhall then be, fuch notice in writing as herein-after is mentioned, before the particular hour or time when he, ſhe, or they intends or intend to begin to lime fuch wafh-back or wafh-backs,

(that is to fay), he, ſhe, or they, if within the weekly bills of mortality, ſhall give notice, in writing, to ſome or one of the officers of exciſe, under whoſe ſurvey he, ſhe, or they ſhall then be, four hours at leaſt, or in other parts of *Great Britain*, eight hours at leaſt, of his, her, or their intention to begin to lime his, her, or their waſh-back or waſh-backs; and in caſe ſuch diſtiller or diſtillers, or maker or makers, ſhall not begin to lime his, her, or their waſh-back or waſh-backs, at the time mentioned in ſuch notice, or within one hour after, ſuch notice ſhall in every ſuch caſe reſpectively be null and void; and ſuch diſtiller or diſtillers, or maker or makers, ſhall be obliged to give another like notice, in writing, before he, ſhe, or they ſhall begin to lime his, her, or their waſh-back or waſh-backs; and if any diſtiller or diſtillers, or maker or makers of low wines or ſpirits, ſhall begin to lime any ſuch waſh-back or waſh-backs, without giving ſuch notice as aforeſaid, he, ſhe, or they, ſhall forfeit and loſe the ſum of fifty pounds for each and every waſh-back which ſhall be ſo begun to be limed without ſuch notice as aforeſaid.

Penalty of
200l. on per-
ſons having
conveyances
to or from
ſtills, not here-
by permitted.

VII. And be it further enacted by the authority aforeſaid, That no rectifier or rectifiers, or compounder or compounders of ſpirits, ſhall have or keep any opening, fixed pipe, or other conveyance whatever, leading to or leading from any ſtill or ſtills to him, her, or them belonging, or by him, her, or them uſed (other than and except one charging pipe, and one hole or opening made according to the form of the ſtatute in that caſe made and provided, to the intent that the gaugers and officers of exciſe may take gauges and ſamples), to each ſuch ſtill, nor ſhall have or keep any opening, fixed pipe, or other conveyance whatever, leading from any ſuch ſtill or ſtills, ſave and except the diſcharge cock to each ſtill reſpectively belonging; and if any ſuch rectifier or compounder, or rectifiers or compounders, ſhall have or keep any ſuch opening, fixed pipe, or other conveyance (not before excepted), leading to or leading from ſuch ſtill or ſtills, he, ſhe, or they ſhall, for every ſuch fixed pipe, opening or conveyance (not before excepted), forfeit and loſe the ſum of two hundred pounds.

The provi-
ſions contain-
ed in

12 Geo. 3. c.
46;

and 14 Geo.
3. c. 73;

VIII. And be it further enacted by the authority aforeſaid, That all and every the claules, proviſions, reſtrictions, powers, authorities, and directions, enacted, provided, granted, and contained in and by an act made in the twelfth year of his preſent Maſteſty's reign, (intituled, *An act for the more effectual preventing of frauds in the revenues of exciſe, with reſpect to tea, ſoap, low wines, and ſpirits*); or in and by an act made in the fourteenth year of his ſaid Maſteſty's reign, (intituled, *An act to extend ſo much of an act, paſſed in the twelfth year of the reign of his preſent Maſteſty, as relates to diſtillers or makers of low wines and ſpirits from corn, to every kind of diſtiller; and for the more effectual ſecuring the revenue of exciſe ariſing from low wines and ſpirits; and for aſcertaining the allowance to be made to the manufacturers of wool and linen, in reſpect of the duties on ſoap imported and uſed in the woollen* and

and linen manufactures; so far as the same, or any of them, relate to or concern the providing and affixing sufficient fastenings to the heads of stills, wash pumps, charging cocks, and discharge cocks respectively, or any of them; or to the providing locks and keys respectively for securing the said still heads, charging cocks, and discharge cocks respectively, or any of them; or to the providing and affixing locks, keys, and fastenings, or any of them, to the furnace doors of any still or stills; or to the locking, sealing, or securing such still heads, wash pumps, charging cocks, discharge cocks, and furnace doors respectively, or any of them; or to the opening or charging any still or stills, or giving notice of being desirous to open and charge the same respectively; or to the lighting fire under any still or stills, or to the opening any furnace door, or giving notice of being desirous to have any furnace door unlocked; or for the use of such locks, keys, and fastenings respectively; or to the enforcing a due obedience to the said acts, in respect to the matters aforesaid, under the several pains and penalties by the said acts respectively in that behalf imposed and inflicted for any disobedience or neglect concerning the same; shall be, and the same are hereby re-enacted, and are also hereby enacted and declared to extend to all furnaces, wash pumps, and stills of all distillers and makers of low wines and spirits whatsoever.

relative to the fastenings to stills, etc. extended to all distilleries.

IX. And be it further enacted by the authority aforesaid, That all and every rectifier and compounder, and rectifiers and compounders of spirits shall, at his, her, and their own expence, find, provide, and affix sufficient locks, keys, and fastenings, to be approved of in writing, by and under the hands of the respective surveyors or supervisors of excise of the division or district in which such rectifier or compounder, or rectifiers or compounders, shall respectively reside, to the discharge cock of all and every still and stills to him, her, or them belonging, or by him, her, or them used; and the officers of excise shall, and they are hereby required to lock and secure such discharge cocks; and if any such rectifier or compounder, or rectifiers or compounders, shall presume to rectify or compound spirits, before he, she, or they shall have found, provided, and affixed sufficient keys, locks, and fastenings, to be approved of as aforesaid, to every such discharge cock to each and every still to him, her, or them belonging, or by him, her, or them used, according to the directions herein given, or shall refuse to pay for such locks, keys, or fastenings, in pursuance of the directions of this act, he, she, or they shall, for each and every such offence, forfeit and lose the sum of fifty pounds.

Persons using stills without proper discharge cocks, to forfeit 50l.

X. And be it further enacted by the authority aforesaid, That where any locks, keys, or fastenings have been or shall be provided in pursuance of the said acts, made in the twelfth, fourteenth, and twenty-fourth years of his said Majesty's reign, or any of them, or in pursuance of this act, all and every distiller and distillers, and maker and makers of low wines, or spirits, and all and every rectifier and rectifiers, and compounder and

Locks, etc. to be altered or repaired on requisition of the officer, on penalty of 50l.

compounders of fpirits, to whom fuch locks, keys, and faftenings refpectively fhall then belong, fhall, at his, her, or their own expence, from time to time, and at all times, when required fo to do by the generalurveyor, (if fuch diftiller or diftillers, or maker or makers, rectifier or rectifiers, compounder or compounders, fhall refide within the limits of the chief office of excife in *London*), and by the refpectiveurveyors or fupervifors of excife (if fuch diftiller or diftillers, maker or makers, rectifier or rectifiers, compounder or compounders, fhall refide out of the faid limits) of the divifion or diftrict in which he, fhe, or they fhall refpectively refide, immediately fet about the altering, repairing and amending, and fhall alfo, within a reasonable time then next following, repair, amend, and alter according to fuch requifition, all and fingular the faftenings directed by the faid feveral acts, made in the twelfth, fourteenth, and twenty-fourth years of his faid Majefty's reign, or any or either of them, to be provided and affixed to the heads of each and every low wine ftill and wafh ftill, wafh pumps and charging cocks, belonging to or ufed by any diftiller or maker of low wines or fpirits, and alfo all and every fuch locks and keys as are by fuch acts of parliament, or any or either of them, directed to be provided for fecuring the faid ftill heads, charging cocks, and wafh pumps, and alfo all fuch locks, keys, and faftenings as are directed by the faid acts, or any or either of them, to be found, provided and affixed to the furnace door of each and every ftill, by every diftiller and maker of low wines or fpirits for fale, rectifiers and compounders refpectively ufed, and alfo all and every fuch locks, keys, and faftenings, as are by the faid act, made in the faid fourteenth year of his faid Majefty's reign, directed to be found, provided, and affixed to the difcharge cock of every wafh ftill, and of every low wine ftill, ufed by every diftiller and maker of low wines or fpirits for fale; and if any fuch diftiller or diftillers, maker or makers, rectifier or rectifiers, compounder or compounders, to whom any fuch locks, keys, and faftenings, or any or either of them, fhall belong, fhall neglect or refufe immediately to fet about the altering, repairing, or amending the fame, or to repair, amend, or alter the fame when thereunto required according to the directions of this act, he, fhe, or they fhall, for each and every fuch neglect or refusal, forfeit and lofe the fum of fifty pounds.

Recital of act
23 Geo. 3. c.
70.

XI. *And whereas, by an act made in the twenty-third year of the reign of his prefent Majefty, (intituled, An act for the more effectual preventing the illegal importation of foreign fpirits, and for putting a flop to the private diftillation of British made fpirituous liquors; for explaining fuch part of the act, impofing a duty upon male fervants, as relates to the right of appeal from juftices of the peace; to amend and rectify a miftake in an act of the laft feflion of parliament, with refpect to the removal of tea from one part of this kingdom to other parts thereof; and for preventing vexatious actions againft officers of excife acting in*

in pursuance of the authority given by excise statutes), it was enacted, That the keys of every charging cock, and of every discharge cock, that should be made use of by any distiller or maker of low wines and spirits, whether for sale or for exportation, or by any rectifier or compounder of spirits, for charging, or for discharging and emptying any still or stills, or other entered utensil by him, her, or them respectively made use of, should be so rivetted into the cock, of which it was a part, as to prevent the same from being taken out of the body of the said cock: and whereas the rivetting the keys of such charging and discharge cocks, in manner directed by the said clause, has been found inconvenient and inadequate to the purposes thereby intended; be it therefore enacted by the authority aforesaid, That so much of the said recited clause, as directs any such cocks to be rivetted as in the said clause is directed, shall be repealed, and the same is hereby repealed accordingly.

Clause of last recited act, relative to rivetting cocks, repealed.

XII. And be it further enacted by the authority aforesaid, That no distiller or distillers, or maker or makers of low wines or spirits, or rectifier or rectifiers, or compounder or compounders of spirits, shall rivet, or cause to be rivetted, or otherwise fasten or cause to be fastened, any key into any charge or discharge cock of any still of or belonging to or used by him, her, or them; so as to prevent the officer or officers of excise from taking out and examining such key; and if any such distiller or distillers, maker or makers, rectifier or rectifiers, or compounder or compounders, shall rivet or cause to be rivetted, or fasten or cause to be fastened, any such key, contrary to the directions of this act, he, she, or they shall, for every such key so rivetted or fastened, forfeit and lose the sum of fifty pounds.

No key to be rivetted so as to prevent examination, on penalty of 50*l*.

XIII. And be it further enacted by the authority aforesaid, That no distiller or distillers, or maker or makers of low wines or spirits, nor any rectifier or rectifiers, or compounder or compounders of spirits, shall have any pipe or conveyance, communicating with any worm belonging to any still in his, her, or their custody or possession: and if any such distiller or distillers, maker or makers, rectifier or rectifiers, compounder or compounders, shall have any pipe or other conveyance, communicating with any worm belonging to any still in his, her, or their custody or possession, he, she, or they shall, for each and every such offence, forfeit and lose the sum of one hundred pounds.

Persons having pipes of communication with worms, to forfeit 100*l*.

XIV. And be it further enacted by the authority aforesaid, That no distiller or distillers, or maker or makers of low wines or spirits, or rectifier or rectifiers, or compounder or compounders of spirits, shall, from and after the said first day of August, one thousand seven hundred and eighty-six, have or keep any iron, or other tap or covering, upon any cock belonging to his, her, or their still or stills, or to any pipe, back or vessel whatsoever in his, her, or their entered premises, so as to prevent the officer or officers of excise from distinctly seeing and easily examining such cock; and if any such distiller or distillers, maker or makers, rectifier or rectifiers, or compounder or compounders,

No cap, etc. to be kept so as to prevent cocks being examined, on penalty of 50*l*.

shall have or keep any fuch cap or covering upon any fuch cock, contrary to the direCTIONS of this act, he, fhe, or they fhall, for every fuch cap or covering fo had or kept, forfeit and lofe the fum of fifty pounds.

XV. *And, to the intent that no allowance may be made or permits granted to any perfon or perfons, calling themfelves rectifiers or compounders, for fale, but not being known or aétual rectifiers and compounders, for any increafe which fuch perfon or perfons may make in his, her, or their ftock or ftocks, by water, fugar, fyrup, fruit, or any other ingredients; be it enacted by the authority aforefaid,*

No perfons to be deemed rectifiers, etc. who have ftills of a lefs capacity than 120 gallons, etc.

That no perfon or perfons fhall be deemed to be a rectifier or compounder of fpirits within the meaning of this act, who fhall not have an entered ftill capable of containing in the body thereof, exclusive of the head, one hundred and twenty gallons at the leaft, nor unlefs fuch ftill fhall have fuitable tubs and worms affixed thereto, and fhall be really and *bona fide* ufed for the rectifying of *British* fpirits for fale by fuch perfon or perfons:

No perfon to remove wort from backs to ftills, before being gauged, on penalty of 200l. etc.

XVI. *And be it further enacted by the authority aforefaid,* That no wort, wash, or tilts, or other liquor, or preparation for the diftilling of low wines, or fpirits for home confumption, fhall be put into the ftill, or otherwife removed from the back or vefel wherein the fame was or were fermented, until the fame fhall have been gauged, and the duties hereby impofed charged thereon, by the proper officer of excife; and if any diftiller or diftillers, or maker or makers of fpirits, fhall, contrary to the direCTIONS of this act, put into any ftill, or otherwife remove or caufe to be fo put or removed, any fuch wort, wash, tilts, or other liquor or preparation from the back or vefel wherein the fame was or were fo fermented, before the fame fhall have been gauged, and the duties hereby impofed charged thereon, fuch perfon or perfons fhall, for every fuch offence, forfeit and lofe the fum of two hundred pounds, and fhall alfo pay double the duty for all the wort, wash, tilts, and other liquor or preparation fo put into the ftill or removed as aforefaid.

Regulations relative to ftill pipes, etc.

XVII. *And be it further enacted by the authority aforefaid,* That no diftiller or maker, or diftillers or makers of fpirits fhall have or keep any pipe, conveyance, or opening, leading to his wash ftill, fave and except the known charging pipe or conveyance leading from his, her, or their known and entered wash back or backs, and fuch pipe or conveyance fhall empty itfelf in a fhute, open trunk, or vefel; which fhute, open trunk, or vefel, fhall be at a diftance not exceeding fix feet from the ftill, and fhall be of the following dimenfions; that is to fay, at leaft two feet in length, one foot in breadth, and not more than two feet in depth; from which fhute, open trunk, or vefel, the conveyance pipe into the wash ftill fhall be in a ftraight line, and not concealed from the view of the officer, nor of a greater or larger fize than fix inches diameter in the clear, on pain of forfeiting, for every other pipe, trunk, conveyance, or opening,

opening, erected, fet up, kept, or continued, contrary to the true intent and meaning of this act, the fum of two hundred pounds.

XVIII. And, to the end that the officers of excife may be able to tafte, examine, and ascertain the quality of all wash, worts, or other liquors, intended to be conveyed into the ftill or ftills of all and every diftiller and diftillers, and maker or makers of low wines and fpirits, all fuch officers are hereby empowered, as often as to them, or any of them, fhall feem expedient, to take a fample or famples of fuch wash, worts, or other liquors, either in the coolers, wash-backs, or other veffels whatfoever, before the fame fhall be conveyed into the wash ftill or ftills, not exceeding twelve gallons at any one time, from each fuch cooler, wash-back, or other vefsel, on paying after the rate of one fhilling and fixpence by the gallon for the fame.

Officers to take wort, on paying for the fame.

XIX. And be it further enacted by the authority aforefaid, That the proper officer of excife fhall gauge all wort, wash, and other liquor, after the fame fhall have been put into the wash ftill, (either for home confumption or for exportation), and keep in his books true accounts of the ftill gauges of fuch wort, wash, and other liquors refpectively.

Officers to keep account of the ftill gauges.

XX. And be it further enacted by the authority aforefaid, That no wort, wash, tilts, or low wines, in the poffeffion of any diftiller or maker of fpirits, diftillers or makers of fpirits, fhall be removed or taken away from his, her, or their entered diftillery, nor fhall any wort, wash, or tilts, be depofited, hid, or concealed, in any place whatfoever, with intent to defraud his Majefty of the duties thereon; and when and fo often as any-wort, wash, tilts, or low wines, fhall be removed or taken away, or any wort, wash, or tilts, depofited, hid, or concealed, contrary to the true intent and meaning of this act, fuch wort, wash, tilts, and low wines refpectively, fhall be forfeited and loft, and fhall and may be feized by any officer or officers of excife; and over and befide fuch forfeiture, fuch diftiller or maker, or diftillers or makers, fo removing or taking away any wort, wash, tilts, or low wines, or fo depofiting, hiding, or concealing any wort, wash, or tilts, or caufing the fame fo to be removed, taken away, or depofited, hid, or concealed, and the perfon or perfons employed fo to remove or take away, or fo to depofit, hide, or conceal the fame, or who fhall receive the fame, fhall feverally forfeit and lofe the fum of ten fhillings for every gallon of wort, wash, tilts, or low wines fo removed, taken away, or concealed, and the like fum of ten fhillings for every gallon of wort, wash, or tilts, fo depofited, hid, or concealed.

Persons fraudulently removing or concealing wort, to forfeit it, and ros. per gallon on the quantity.

XXI. And be it further enacted by the authority aforefaid, That all and every diftiller and diftillers, and maker and makers of low wines or fpirits for home confumption, fhall, before he, fhe, or they fhall begin to draw off any low wines from his, her, or their wash ftill, charge the fame with wort or wash made

Penalty of 200l. on diftillers not charging wash ftills as herein directed, or

not working
them off in
due time.

from malt or corn, or melasses or sugar, or with cyder, perry, or other liquor, on which the duties hereby imposed are directed to be charged, and shall have been charged, in the proportion of not less than three parts in four of the whole quantity of liquor which such still, including the head, is capable of containing; and that all and every distiller and distillers, and maker and makers of low wines or spirits for exportation, shall, before he, she, or they shall begin to draw off any low wines from his, her, or their wash still, charge the same with such wort or wash, in the proportion of not less than four parts in five of the whole quantity of liquor which such still, including the head, is capable of containing; and that every wash still shall be worked off within the space of twenty-four hours, to be computed from the time of the officer's taking an account of the charge of such still; and that all and every distiller and distillers, and maker and makers of spirits, who shall begin to draw off any low wines until his, her, or their wash still shall have been so charged in manner herein-before directed; or after having been so charged, shall not work the same off within such twenty-four hours, he, she, or they shall, for each and every such offence, forfeit and lose the sum of two hundred pounds.

Penalty on
keeping low
wines more
than 12 hours
after they have
been run off
from the wash
still, &c.

XXII. And be it further enacted by the authority aforesaid, That all low wines shall, within the space of twelve hours after the same shall have been run off from the wash still, be conveyed into the low wine still, and shall, within the space of the next twelve hours, be drawn off and distilled into spirits; and if any distiller or distillers, or maker or makers of low wines or spirits, shall keep any low wines more than twelve hours after the same shall have been run off from the wash still before the same shall be put into the low wine still, or shall not, within the space of the next twelve hours after the same shall have been put into the low wine still, work off and distil the same into spirits, he, she, or they shall, for every such offence, forfeit and lose the sum of ten pounds by the hour for each and every hour beyond the time or space hereby limited for that purpose, during which he, she, or they shall keep any such low wines without drawing off or distilling the same into spirits.

Penalty of
200l. on rec-
tifiers who do
not charge
their stills as
herein direct-
ed, or work
them off in
due time.

XXIII. And be it further enacted by the authority aforesaid, That all and every rectifier and rectifiers, compounder and compounders of *British* spirits, shall, before he, she, or they shall begin to draw off any spirits from his, her, or their still, charge the same in the proportion of not less than seven parts in ten of the whole quantity of liquor which such still, including the head, is capable of containing; and such still shall remain and continue so charged until he, she, or they shall begin to draw off spirits therefrom; and every such still shall be worked off within eighteen hours, to be computed from the time of the officer's taking the gauge of the still; and if any rectifier or compounder, or rectifiers or compounders of spirits shall begin to draw off any spirits from his, her, or their still not so charged,
or

or shall not work off the same within such eighteen hours, he, she, or they shall, for each and every such offence, forfeit and lose the sum of one hundred pounds.

XXIV. And be it further enacted by the authority aforesaid, That no distiller or maker, or distillers or makers of spirits for exportation, shall have or be entitled to any allowance for or under any pretence of any increase by water, or any other fluid mixed with the wash put into his, her, or their still, but the whole charge of such still shall be considered as wash; and he, she, or they shall, in respect of the said charge, produce to the proper officer the several and respective quantities and proportions of spirits, specified and directed in and by an act made in the twenty-first year of his present Majesty's reign, amongst other things, for the better and more effectual securing the revenue of excise, and of the inland duties under the management of the commissioners of excise, and for preventing frauds therein, under the pains and penalties in and by that act directed and provided in that behalf.

No allowance to be made for any fluid mixed with wash, etc.

Directions of act 21 Geo. 3. c. 55. to be followed.

XXV. And be it further enacted, That every officer of excise, having any still or still house, or other place used for the purpose of making or distilling spirits for home consumption, under his survey, shall keep exact accounts in his books of all wash, wort, tilts, and other liquors, whereon the said duties are imposed by this act; and shall in his said books of accounts give unto the several and respective distillers or makers of spirits under his survey, a credit according to the following rates or proportions; that is to say,

Officers to keep accounts of wash, and give distillers the following credits, viz.

For every one hundred gallons of wort or wash, made or brewed from malt, corn, grain, or tilts, or any mixture with the same, a credit for twenty gallons of spirits of the strength of one to ten over hydrometer proof;

For every 100 gallons of wort made from grain, 20 gallons of spirits:

For every one hundred gallons of cyder, perry, wash, or other liquor, made or brewed from any sort or kind of *British* materials, except malt, corn, grain, or tilts, or any mixture with the same, a credit for fifteen gallons of spirits of the strength aforesaid:

For every 100 gallons, made from other *British* materials, 15 gallons:

For every one hundred gallons of wort or wash, made or brewed from melasses or sugar, or any mixture with the same, a credit for twenty-two gallons of spirits of the strength aforesaid:

For every 100 gallons made from melasses or sugar, 22 gallons:

And for every one hundred gallons of wash, composed of foreign refused wine or foreign cyder, or wash prepared from foreign materials (except melasses and sugar), or any mixture therewith, a credit for twenty gallons of spirits of the strength aforesaid,

For every 100 gallons made from other foreign materials, 20 gallons,

XXVI. And be it further enacted by the authority aforesaid, That if, on casting up the stock of any distiller or maker, or distillers or makers of spirits for home consumption (such maker not being also a rectifier), at the aforesaid strength of one

Increase of stock, above a due quantity, to be forfeited, and to also 50l.

to ten over hydrometer proof; any officer or officers of exciſe ſhall find the quantity of ſpirits, contained in ſuch ſtock, to exceed the quantity for which the diſtiller or maker or diſtillers or makers thereof is or are entitled to ſuch credit as aforeſaid, after making the proper deduction and allowance for the quantity of ſpirits for which permits ſhall have been granted to ſuch diſtiller or maker, or diſtillers or makers, then, and in every ſuch caſe, ſuch exceſs ſhall be deemed and taken to have ariſen, and been occaſioned by wört, waſh, tilts, or other liquor not duly charged with the rates and duties hereby impoſed; and ſo much of ſuch ſtock as ſhall be found increaſed, ſhall be forfeited and loſt, and a quantity equal to the quantity ſo found in exceſs ſhall and may be ſeized and taken by any officer or officers of exciſe from and out of any part of ſuch ſtock, and the perſon and perſons, in whoſe ſtock ſuch exceſs ſhall be found, ſhall alſo forfeit and loſe the ſum of fifty pounds.

Officers to take ſtock of diſtiller every 3 months, or when ordered ſo to do, and if any unfair encreaſe be found, it is to be forfeited and ſol.

XXVII. And be it further enacted by the authority aforeſaid, That the officers of exciſe ſhall, within thirty days after the commencement of this act, and ſo afterwards once in every three months at the leaſt, and oftener when occaſion ſhall require, or when directed by any principal or general officer of exciſe, or by the ſurveyor or ſuperviſor of the diſtrict, take an account of the ſtock of all diſtillers and makers of *British* ſpirits for home conſumption, and alſo of the raw or unrectified ſtock of all dealers in *British* ſpirits for home conſumption (ſuch diſtillers, makers, or dealers, not being actual rectifiers or compounders of ſpirits); and if, on taking ſuch account, the quantity of ſpirits found in any ſuch ſtock, added to the quantity for which permits ſhall have been granted ſince the time of taking the laſt preceding account of ſuch ſtock, ſhall be found to exceed the quantity of ſpirits found in ſuch ſtock at the time of taking ſuch laſt preceding account, added to the quantity ſince legally made or received by permit, ſuch ſtock being caſt or computed at the ſtrength of one to ten over hydrometer proof, a quantity of ſpirits equal to the quantity of ſpirits ſo found in exceſs ſhall be forfeited and loſt, and ſhall and may be ſeized and taken, by the officer or officers of exciſe who ſhall diſcover the ſame, from and out of ſuch ſtock; and the perſon or perſons, in whoſe ſtock ſuch quantity of ſpirits ſo found in exceſs ſhall be diſcovered or found, ſhall alſo forfeit and loſe the ſum of fifty pounds.

Officers to take ſtock of rectifiers every 3 months, and if an unfair encreaſe be found, it is to be forfeited and ſol.

XXVIII. And be it further enacted by the authority aforeſaid, That, within thirty days after the commencement of this act, and afterwards once in every three months at the leaſt, the officers of exciſe ſhall alſo take an account of the ſtock of *British* brandy, rectified *British* ſpirits, raw *British* ſpirits, compounds, and other *British* ſpirits, of every rectifier and compounder of ſpirits (whether a maker of ſpirits or not); and if on taking ſuch account, the ſtock ſo taken, added to the quantity of ſpirits for which permits ſhall have been granted to ſuch rectifier or compounder, ſince the time of taking the laſt preceding account of

of fuch ftock, fhall be found to exceed the quantity of fpirits found in fuch ftock, at the time of taking fuch laft preceding account, added to the quantity fince legally made or received by permit, with the allowance of thirty-five gallons on every one hundred gallons fo made or received, cafting or computing fuch ftock at the ftrength of one in eight under hydrometer proof, a quantity of fpirits equal to the quantity of fpirits fo found in excefs fhall be forfeited and loft, and fhall and may be feized and taken, by the officer or officers of excife who fhall difcover the fame, from and out of fuch ftock; and the perfon or perfons in whofe ftock fuch quantity of fpirits fo found in excefs fhall be difcovered or found, fhall alfo forfeit and lofe the fum of fifty pounds.

XXIX. And be it further enacted by the authority aforefaid, That for the making unto the rectifiers and compounders of fpirits, as well for what they fhall lawfully make, as for what they fhall lawfully purchafe and receive by permit, a fair allowance for that increafe by water, fugar, fyrop, or fruit which is neceffary to render their fpirits fit for confumption, there fhall be allowed permits for the fending out any number of gallons, not exceeding the rate or proportion of one hundred and thirty-five gallons of *British* brandy, rectified *British* fpirits, or compounds, for every one hundred gallons of *British* raw fpirits of the ftrength of one to ten over hydrometer proof, which they fhall have received by permit, or fhall have made, according to the regulations and directions of this act; any thing herein, or in any other act or acts of parliament, contained to the contrary thereof in any wife notwithstanding.

XXX. And, to the intent that permits may not be granted for fending out a greater quantity of *British* brandy, rectified *British* fpirits, or compounds, from the ftock of any rectifier or rectifiers, or compounder or compounders of *British* fpirits, than that of one hundred and thirty-five gallons for every one hundred gallons which he, ſhe, or they fhall lawfully make or receive by permit, be it further enacted by the authority aforefaid, That the proper officers of excife fhall keep an account in their books with all and every the diftiller and diftillers, maker and makers, rectifier and rectifiers, and compounder and compounders of *British* fpirits, as well of the quantities of all *British* fpirits which he, ſhe, or they fhall legally make or receive by permit, as of the quantities of all *British* fpirits for which any fuch officer or officers fhall grant any permit; and when and fo often as any officer fhall be called upon or required by any fuch diftiller or diftillers, maker or makers, rectifier or rectifiers, or compounder or compounders, to grant any permit or permits for the fending out of any *British* brandy, rectified *British* fpirits, raw *British* fpirits, *British* compounds, or fpirits of wine, exceeding the quantity which he, ſhe, or they ought to have remaining in ftock, fuch officer or officers fhall immediately examine, or caufe to be examined, the ftock in hand of fuch diftiller or diftillers, maker or makers, rectifier or rectifiers, or compounder or compounders, and what-

Rectifiers to have an allowance of 35 gallons in the 100 for increafe by water, etc.

Officers to keep an account of the quantity of fpirits made, etc. and for which permits have been granted; and if permits are required for a larger quantity than ought to be in ftock, it may be feized.

ever

ever excefs fhall be found in ftock, fuch excefs fhall be forfeited and loft, and fhall and may be feized by any officer or officers of excife.

Spirits not of the ftrength herein pre- fcribed, to be forfeited :

XXXI. And be it further enacted by the authority aforefaid, That no diftiller or diftillers, or maker or makers of fpirits, fhall fell or fend out any fpirits whatever for home confumption of a greater or higher degree of ftrength than that of one to ten over hydrometer proof; and no rectifier or rectifiers, or compounder or compounders of fpirits (whether a maker or makers of fpirits, or not), fhall fell or fend out any *British* brandy, *British* rectified fpirits, *British* compounds, or other *British* fpirits, of a greater or higher degree of ftrength than that of one in eight under hydrometer proof; nor fhall any diftiller or diftillers, maker or makers, rectifier or rectifiers, compounder or compounders of fpirits, or any dealer or dealers in fpirits, fell or fend out any foreign fpirits of a lower degree of ftrength than that of one in fix under hydrometer proof, nor have in his, her, or their cuftody or poffeffion any quantity of foreign fpirits, or *British* and foreign fpirits mixed together, except fhrub, cherry or rafpberry brandy, of a lower degree of ftrength than as laft aforefaid, upon pain of all fuch fpirits being forfeited and loft; and all fuch fpirits, together with the casks and veffels containing the fame, fhall and may be feized by any officer or officers of excife.

But rectifiers, etc. keeping their ftock of fpirits fepa- rate from other liquors, may fend out a quantity of a greater ftrength.

XXXII. Provided neverthelefs, and be it further enacted by the authority aforefaid, That it fhall and may be lawful to and for any rectifier or rectifiers, or compounder or compounders of fpirits, and to and for any dealer or dealers in rectified *British* fpirits, upon condition of his, her, or their keeping his, her, or their whole ftock of fpirits of wine feparate and apart from his, her, or their ftock of other liquors, but not otherwife, to demand and receive permits for fending out fpirits of wine of any higher or greater degree of ftrength than that of one in eight under hydrometer proof to any perfon not being a maker, rectifier, or compounder of fpirits, fo that the whole quantity of fuch fpirits of wine to be fent to any one perfon in the fame day fhall not exceed one hundred and twenty gallons; and the officer granting fuch permit fhall therein exprefs the fame to be double fpirits, and fhall debit the ftock of fuch rectifier or rectifiers, compounder or compounders, or dealer or dealers, at the rate of two hundred gallons of *British* fpirits for every one hundred gallons of fpirits of wine for which fuch permit fhall be granted.

Rectifiers not marking the ftrength of mixed fpirits on casks, or marking them untruely, to forfeit the fame, and 50l.

XXXIII. And be it further enacted by the authority aforefaid, That in all cafes where the ftrength of any part of the ftock of any rectifier or rectifiers, or compounder or compounders of fpirits, by being mixed with any fugar, fyrupe, feeds, fruit, or any other ingredients or materials, cannot be eafily afcertained by the hydrometer, fuch rectifier or rectifiers, or compounder or compounders, fhall, upon twelve hours notice given him by fuch officer or officers, caufe the true quantity and degree

degree of strength of fuch fpirits, to be legibly marked on the outside of the cask or casks, or vefsel or veffels, containing the fame refpectively; and if the strength of fuch fpirits fhall be found to have been untruly marked by fuch rectifier or rectifiers, or compounder or compounders, on the outside of fuch cask or casks, or vefsel or veffels, or if he, ſhe, or they fhall, upon fuch twelve hours notice given as aforeſaid, neglect to mark the quantity and degree of strength of fuch fpirits, as aforeſaid, fuch fpirits, ſyrup, feeds, fruit, and other ingredients, together with the casks and veffels containing the fame, fhall be forfeited and loſt, and ſhall and may be ſeized by any officer or officers of exciſe; and fuch rectifier or compounder, or rectifiers or compounders, ſhall alſo, for each and every fuch offence, forfeit and loſe the ſum of fifty pounds.

XXXIV. Provided always, and be it enacted by the authority aforeſaid, That if any *British* fpirits (other than and except raw or unrectified fpirits, or fpirits of wine, which have been lawfully received by permit, according to the directions of this act, or of an act paſſed in this ſeſſion of parliament, intituled, *An act to diſcontinue, for a limited time, the ſeveral duties payable in Scotland upon low wines and fpirits, and upon worts, waſh, and other liquors there uſed in the diſtillation of fpirits, and for granting to his Maſteſty other duties in lieu thereof*), or any mixture of *British* fpirits with foreign fpirits, ſhall be found in the cuſtody of any dealer or dealers in fpirits, not being a rectifier or compounder of *British* fpirits, exceeding the ſtrength of one in eight under hydrometer proof, the fame, together with the casks and veffels containing the fame, ſhall be forfeited and loſt, and ſhall and may be ſeized by any officer or officers of exciſe.

Rectified ſpirits found in the cuſtody of any dealer, not a rectifier, to be forfeited, if ſtronger than one in eight under hydrometer proof.

XXXV. And be it further enacted by the authority aforeſaid, That if any diſtiller or diſtillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in ſpirituous liquors, ſhall have, occupy, or uſe different entered warehouses or places for the keeping of any ſpirituous liquors, or ſtrong waters, and which ſhall not be under the ſame roof, or ſhall be ſeparated from each other by the intervention of any land, premises, buildings, or otherwiſe howſoever, the ſtocks of ſpirituous liquors in ſuch entered warehouses or places ſhall or may, if the officer or officers (under whoſe ſurvey ſuch ſtock or ſtocks ſhall be) deem it expedient, be deemed and taken to be ſeparate and diſtinct ſtocks, and the ſame ſhall and may be ſurveyed and kept account of by the officer and officers of exciſe accordingly, in the ſame manner as if the ſame belonged to different perſons.

Spirituous liquors kept in ſeparate buildings, may be ſurveyed as ſeparate ſtocks.

XXXVI. And, to the intent that the officers of exciſe may the more conveniently examine into, and give proof (if neceſſary) of the ſtrength and quality of any *British* fpirits for home conſumption, be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any officer or officers of exciſe, at all times, to take any ſample or ſamples, not exceeding four gallons reſpectively, of any fpirits whatſoever, at any time found in

Perſons hindering officers from taking ſamples, paying for the ſame, to forfeit roof.

in the cuſtody or poſſeſſion of any diſtiller or diſtillers, maker or makers, rectifier or rectifiers, compounder or compounders of ſpirits, or dealer or dealers in ſpirits, paying for ſuch ſample or ſamples, at and after the rate of ſeven ſhillings by the gallon for ſuch ſample or ſamples of *British* ſpirits, and at and after the rate of thirteen ſhillings by the gallon for ſuch ſample or ſamples of foreign ſpirits: and if any perſon or perſons whatſoever ſhall obſtruct or hinder any ſuch officer or officers in the taking any ſuch ſample or ſamples, ſuch perſon or perſons ſhall, for every ſuch offence forfeit and loſe the ſum of one hundred pounds.

Spirits produced from ſtills at work when ſtocks are taken, to be afterwards added.

XXXVII. Provided always, and be it enacted by the authority aforeſaid, That if any ſtill ſhall happen to be charged, and at work at the time of ſuch officer's taking account of the ſtock of any diſtiller or diſtillers, maker or makers, rectifier or rectifiers, or compounder or compounders of ſpirits, to whom ſuch ſtill ſhall belong, then, and in every ſuch caſe, all the ſpirits produced from that charge of the ſtill ſhall be kept ſeparate and apart from the reſt of ſuch ſtock till the account of the reſt of ſuch ſtock ſhall have been completely taken, after which the ſpirits produced from that charge ſhall be added to ſuch ſtock.

Penalty on uſing caſks not entered or gauged, etc.

XXXVIII. And, for enabling the officers of exciſe the more readily to take the ſeveral accounts by this act directed, be it further enacted, That all ſtanding or fixed caſks uſed for the keeping in ſtock of any *British* brandy, rectified *British* ſpirits, raw *British* ſpirits, *British* compounds, or other ſpirits, ſhall, on or before the fifth day of July, one thouſand ſeven hundred and eighty-fix, or if erected or ſet up after that time, then before the ſame ſhall be made uſe of, be entered at the proper office of exciſe, and be truly gauged and inched to the ſatisfaction of the proper officer or officers of exciſe, upon pain of forfeiture, by the owner or owners thereof, of the ſum of one hundred pounds for every ſuch caſk which ſhall be uſed without having been duly entered, gauged, and inched, as aforeſaid, and alſo of every ſuch caſk, with the liquor contained therein; and that every moveable caſk uſed for the ſending out or keeping of *British* brandy, rectified *British* ſpirits, raw *British* ſpirits, *British* compounds, or other ſpirits, by any maker, rectifier, compounder, or dealer in *British* ſpirits for home conſumption, ſhall have its full meaſure in gallons, or the quantity of liquor it is capable of containing, legibly painted or cut on ſome conſpicuous part thereof, upon pain that the owner of any moveable caſk ſo uſed, not having ſuch full meaſure or ſuch quantity painted or cut, or the perſon ſending out the ſame, ſhall forfeit and loſe the ſum of fifty pounds for every ſuch default, omiſſion, or offence.

Perſons not filling up caſks on notice of ſurvey, or not

XXXIX. And be it further enacted by the authority aforeſaid, That if a previous notice of twelve hours in writing be given or left, by the officer or officers of exciſe under whoſe ſurvey any diſtiller or diſtillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in, *British* ſpirits, ſhall

at

at any time be, of ſuch officer or officers intention to take an account of any ſtock of *British* brandy, rectified *British* ſpirits, raw *British* ſpirits, *British* compounds, or other ſpirits reſpectively, of or belonging to any ſuch diſtiller or diſtillers; rectifier or rectifiers, compounder or compounders of, or dealer or dealers in, *British* ſpirits, ſuch diſtiller or diſtillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in, *British* ſpirits, ſhall, within ſuch twelve hours, fill up, or cauſe to be filled up, all and every his, her, or their moveable caſks or utenſils containing any *British* ſpirits, and which ſhall not be completely filled at the time of ſuch notice being given, ſave and except that one of ſuch moveable caſks or utenſils may remain on ullage with *British* brandy therein, another thereof on ullage with rectified *British* ſpirits therein, another thereof on ullage with raw *British* ſpirits therein, another thereof on ullage with *British* compounds therein, and another thereof on ullage with ſpirits of wine therein; and ſuch diſtiller or diſtillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in, *British* ſpirits, ſhall alſo ſeparate all ſuch moveable caſks and utenſils containing *British* brandy, from all other caſks and utenſils whatſoever, and keep the ſame ſo ſeparated for the ſpace of ſix hours next after the expiration of ſuch twelve hours; and ſhall in like manner ſeparate all ſuch moveable caſks and utenſils containing rectified *British* ſpirits from all other caſks and utenſils whatſoever, and in like manner keep the ſame ſo ſeparate for the ſpace of ſix hours next after the expiration of ſuch twelve hours; and ſhall alſo in like manner ſeparate all ſuch moveable caſks and utenſils containing raw *British* ſpirits from all other caſks and utenſils whatſoever, and in like manner keep the ſame ſo ſeparate for the ſpace of ſix hours next after the expiration of ſuch twelve hours; and ſhall in like manner ſeparate all ſuch moveable caſks and utenſils containing *British* compounds from all other caſks and utenſils whatſoever, and in like manner keep the ſame ſo ſeparate for the ſpace of ſix hours next after the expiration of ſuch twelve hours; and ſhall in like manner ſeparate all ſuch moveable caſks and utenſils containing ſpirits of wine from all other caſks and utenſils whatſoever, and in like manner keep the ſame ſo ſeparate for the ſpace of ſix hours next after the expiration of ſuch twelve hours; to the intent that ſuch officer may be able to take ſuch ſtock with the greater eaſe and certainty; and if ſuch diſtiller or diſtillers, rectifier or rectifiers, compounder or compounders of, or dealer or dealers in ſpirits, ſhall or do, after ſuch notice, neglect or reſuſe to fill up, or cauſe to be filled up, any ſuch moveable caſk or utenſil, according to the directions of this act, or ſhall neglect or reſuſe to ſeparate all ſuch moveable caſks and utenſils containing ſuch *British* brandy, rectified *British* ſpirits, or *British* ſpirits, *British* compounds, and ſpirits of wine reſpectively, or to keep the ſame ſeparate from all other caſks and utenſils whatſoever, according to the directions of this act, ſuch diſtiller or diſtillers, rectifier or rectifiers, compounder or compounders of,

keeping different ſorts of ſpirits ſeparate, to forfeit ſtool.

or dealer or dealers in fpirits, fhall, for each and every fuch offence, forfeit and lofe the fum of one hundred pounds.

Particulars to be fpecified in permits.

XL. And be it further enacted by the authority aforefaid, That in every permit for the removal of any raw *British* fpirits, it fhall be expreffed and truly fpecified immediately after the name of the perfon out of whofe ftock fuch fpirits fhall be fent, whether fuch perfon be a diftiller or maker, or a rectifier, or a maker and rectifier, or a dealer in fpirits; and that no permit, fave only the permit from the actual diftiller or maker of fuch raw fpirits in *England* (fuch diftiller or maker not being alfo a rectifier for home confumption, or a compounder of fpirits), and the permit accompanying *British* fpirits, whether raw, rectified, or compounded, legally brought from *Scotland*, fhall carry with it, or intitle any rectifier or compounder, or dealer, to any allowance for the fame in ftock beyond the actual quantity of the fpirits removed by virtue of fuch permit: provided always, that every dealer or dealers, rectifier or rectifiers, compounder or compounders, after receiving any rectified or compounded fpirits legally brought from *Scotland*, fhall be obliged, within twenty-four hours after the receipt of fuch fpirits, to give notice thereof to the proper officer, who is hereby obliged, within twenty-four hours after fuch notice, to attend to fee fuch fpirits reduced to the ftrength as by this act provided for fuch rectified or compounded fpirits as aforefaid; and if fuch rectifier, compounder, or dealer, fhall refufe or neglect, at the request of the officer, to reduce fuch fpirits as aforefaid, fuch fpirits fhall be feized, forfeited, and loft.

Notice of the receipt of fpirits brought from *Scotland* to be given; and if not properly reduced, to be forfeited.

Mode of application for permits, and penalty on neglect.

XLI. And be it further enacted by the authority aforefaid, That all perfons intitled to or demanding any permit for the removal of *British* brandy, rectified *British* fpirits, raw *British* fpirits, fpirits of wine, or *British* compounds, for home confumption, fhall in the request note fpecify the refpective trades or callings, fpecifying whether they are diftillers, rectifiers, compounders, or dealers in *British* fpirits, and alfo the quantity of each fuch refpective fort of *British* fpirits intended to be removed, (and if fuch perfon or perfons fhall have, occupy, or ufe different entered warehoufes or places for the keeping of any *British* fpirits, and which fhall not be under the fame roof, or be feparated from each other by the intervention of any land, premifes, or buildings, or otherwife howfoever, from what particular warehoufe, ftorehoufe, room, fhop, cellar, vault, or other place, the fame is intended to be removed), and to whom the fame is intended to be fent; and fuch request note fhall alfo fpecify whether fuch *British* fpirits, fo intended to be removed, are *British* brandy, rectified *British* fpirits, raw *British* fpirits, fpirits of wine, or *British* compounds, and fhall alfo diftinguifh raw *British* fpirits made from corn from raw *British* fpirits made from melaffes or fugar, or any other materials, and fhall alfo fpecify the contents of the feveral casks, veffels, and other packages containing the fame, and by what mode of conveyance the fame is intended to be fent, and whether by land

or

or by water; and no permit shall be valid or of any effect, if the same shall be granted on any request note not made conformable to the directions of this act; and all such spirits which shall be removed under a description not conformable to this act, or under any false description, together with the casks, vessels, and other packages containing the same, and the horses, cattle, carts, and other carriages used in the removal thereof, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

XLII. And be it further enacted, That every permit to be granted by any officer of excise, for the removal of any *British* spirits, shall be made to correspond, in respect to the particulars aforesaid, with the request note whereon the same shall be granted, and such permit shall be sent and delivered with such spirits unto the buyer thereof, upon pain that such spirits shall (if the same be not seized in the transit for want of a lawful permit accompanying the same), be forfeited to the buyer thereof, and the seller rendered incapable of recovering the same, or the value or price thereof, in any court of law or equity; and also that the seller shall, over and besides the loss of the said spirits, forfeit and lose double the value of or price agreed to be paid for the same, including the duties, and that the evidence of the buyer or person receiving the said spirits shall, as to such forfeiture of double the value or price, be admitted to prove that the same were delivered without a lawful permit.

Permits to correspond with request notes, and to be delivered to the buyer, on penalty of forfeiture of the spirits, etc.

XLIII. Provided always, and be it enacted by the authority aforesaid, That when any suit or action shall be commenced, or any information filed or exhibited either against the seller for recovery of the forfeiture of such double value or price, or against the buyer for the recovery of the said spirits, or the value thereof; and upon the trial or hearing of any such suit, action, or information respectively, the delivery of a proper permit to the buyer shall become a question, it shall be sufficient for the seller to prove that a lawful permit was duly obtained by him for the removal of such spirits into the stock of the buyer thereof, and that there had been a suitable decrease in the seller's stock to answer the quantity of such spirits so removed and delivered; and upon making out such proof, such spirits shall be adjudged to have been sent out and delivered with a lawful permit, according to the true intent and meaning of this act: provided also, That no buyer of any such *British* spirits shall avail himself of any such forfeiture as aforesaid, unless such buyer shall, within fourteen days next after the delivery of the said spirits to him, her, or them, exhibit a complaint or information before the commissioners of excise or justices of the peace, having jurisdiction in that behalf, and forthwith prosecute the same with effect; and when any such buyer shall, before the delivery of such spirits, have actually paid for the same, and shall prosecute the seller for the said penalty of double the value, and shall recover the same, then, and in such case, the said buyer shall and may have and maintain his action upon the case at

If it be proved that a permit was obtained for removal of spirits, they shall be deemed to have been delivered with a permit.

Buyers prosecuting for forfeiture of spirits, delivered without permits, to exhibit complaints in 14 days, etc.

common law against such seller for the money so paid, or for so much money had and received by the defendant for the plaintiff's use; and upon obtaining a verdict in such action, the plaintiff shall also recover costs of suit.

Denominations of spirits of different distillations.

XLIV. And be it further enacted by the authority aforesaid, That all *British* spirits of the third extraction, or which have been twice distilled from low wines, and have had any flavour communicated thereto, and all liquors whatsoever which shall be mixed or mingled with any such spirits, shall be deemed and taken to be *British* brandy within the meaning of this act; and all *British* spirits of the third extraction, or which shall have been twice distilled from low wines, and have had no flavour communicated thereto, and all liquors whatsoever which shall be mixed or mingled with any such spirits, shall be deemed and taken to be rectified *British* spirits within the meaning of this act; and all *British* spirits of the second extraction, or which shall have been once distilled from low wines, and all liquors whatsoever which shall be mixed or mingled with any such spirits, shall be deemed and taken to be raw *British* spirits within the meaning of this act; and all *British* spirits which shall have been distilled with juniper berries, caraway seeds, anise seeds, or any other seeds, preparation or ingredient whatsoever, used in the compounding of spirits, and all liquors whatsoever which shall be mixed or mingled with any such *British* spirits, shall be deemed and taken to be *British* compounds within the meaning of this act; and all *British* spirits of a greater or higher degree of strength than one to two over hydrometer proof, shall be deemed and taken to be spirits of wine within the meaning of this act; and if any question shall arise whether any spirits removed by any permit are *bona fide* such *British* brandy, rectified spirits, raw spirits, spirits of wine, or compounds, as are described and specified in the permit accompanying the same, or granted for the removal thereof, although such spirits should appear to have been kept in the officer's books, or account of the stock from which such spirits were removed, by the same name or description as is specified in such permit, the proof of such spirits being really and *bona fide* of the sort specified in such permit, shall be upon the owner or claimer thereof, by the oaths of two credible witnesses, being skilful and experienced persons competent to decide by examination thereof.

Proof of spirits removed, being such as described in the permit, to lie upon the owners.

Persons fraudulently making or possessing spirits, to forfeit their licences.

XLV. And be it further enacted by the authority aforesaid, That if any distiller, maker, rectifier, compounder, or retailer, or distillers, makers, rectifiers, compounders, or retailers of *British* or foreign spirits, or any dealer in *British* or foreign spirits, shall, after the first day of *February*, one thousand seven hundred and eighty-seven, be convicted of the offence of fraudulently making, or of having in his, her, or their possession, any spirits whatsoever, *British* or foreign, without having received a legal permit with the same; and it shall have appeared

appeared in proof, to the fatisfaction of the commissioners of excife, or justices of the peace before whom fuch conviction fhall be made, that the offence was knowingly and wilfully committed by the party convicted of the fame, which fact of fuch offence being knowingly and wilfully committed fhall be fet forth in the record of fuch conviction; in every fuch cafe, the offender or offenders, (over and befides all other penalties incurred by law) fhall forfeit and be debarred from all future benefit and advantage of his or their fubfifting licence or licences for making, rectifying, or vending any fpirits or other liquors; and, if fuch offender fhall be a maker, diftiller, rectifier, or compounder of fpirits, or wholefale dealer in fpirits, his or her entry or entries, licence or licences for the making, rectifying, compounding, or vending of fpirits, fhall be void, and no new or frefh licence fhall be granted to fuch perfon for the fpace of one month.

XLVI. And be it further enacted by the authority aforefaid, That no maker, rectifier, or compounder, or makers, rectifiers, or compounders of fpirits, fhall receive into his, her, or their custody or poffeffion, any raw *British* fpirits in any cask or vefel of a lefs fize or content than that of one hundred gallons at the leaft; nor fhall any diftiller, rectifier, or compounder, or diftillers, rectifiers, or compounders of fpirits, nor any dealer or dealers in fpirits, receive into his, her, or their custody or poffeffion any *British* brandy, rectified *British* fpirits, raw *British* fpirits, *British* compounds, or fpirits of wine, at any other time than between the hours herein-mentioned; (that is to fay), from the twenty-fifth day of *March* to the twenty-ninth day of *September*, both inclusive, between the hours of five in the morning and feven in the evening, and from the thirtieth day of *September*, to the twenty-fourth day of *March*, both days inclusive, between the hours of feven in the morning and fix in the evening; and when and fo often as any raw *British* fpirits fhall be received in any cask or vefel of a lefs content or fize than fuch as is before mentioned; or if any fuch diftiller, rectifier, compounder, or dealer, or diftillers, rectifiers, compounders, or dealers, fhall fo receive any *British* brandy, rectified *British* fpirits, raw *British* fpirits, *British* compounds, or fpirits of wine, at any other time than is herein-before for that purpofe limited, he, fhe, or they fhall, for each and every fuch offence forfeit and lofe the fum of fifty pounds; and all fuch *British* brandy, rectified *British* fpirits, raw *British* fpirits, *British* compounds, and fpirits of wine, which fhall be fo received contrary to the prohibition herein-before in that behalf made and contained, together with the casks and vefels containing the fame, and fuch *British* brandy, rectified *British* fpirits, raw *British* fpirits, *British* compounds, casks, and vefels, fhall be forfeited and loft, and fhall and may be feized by any officer or officers of excife.

Regulations relative to the fize of vefels for containing raw fpirits, and times of rectified fpirits being received.

Penalty on receiving fpirits in improper casks, or at improper hours.

XLVII. And whereas a manufacture of fpirits, commonly called Maidftone Geneva, is eftablifhed at Maidftone, in the county of Kent,

Kent, by George Bishop of that place, which manufacture is essentially different from any other manufacture of spirits in Great Britain, as well with respect to the quality of the liquor as to the process by which it is made: and whereas the said manufacture requires so large a proportion of wash to produce a given quantity of spirits, as to render it impossible to continue the said manufacture, if the rates of duties herein before prescribed by this act be collected on each gallon of wash; be it therefore further enacted by the authority aforesaid, That, during the continuance of this act, there shall be paid by the said George Bishop, for every seventy-two gallons of wash which he shall produce from a weight of malt, or other corn, including the bran thereof, and not exceeding one hundred and twelve pounds, the sum of eighteen shillings, being at the rate of three-pence per gallon.

The manufacturer of Maidstone Geneva to pay 18s. for every 72 gallons of wash made from not more than 112 lb. of corn.

For every 112 lb. of corn, a credit to be allowed of eight gallons of spirits of one in seven under hydrometer proof.

If spirits be stronger than one to seven under hydrometer proof, they are forfeited.

Undue excess of stock to be forfeited.

Notice of making wort at the said manufactory to be given, on penalty of 200l.

XLVIII. And be it further enacted by the authority aforesaid, That for every one hundred and twelve pounds weight of malt, or other corn, before the same is separated from the bran thereof, so used by the said *George Bishop*, he shall be allowed a credit, in the books of the proper officer or officers of excise, of not more than eight gallons of spirits, at the strength of one in seven under hydrometer proof.

XLIX. And be it further enacted by the authority aforesaid, That the said *George Bishop* shall not sell or send out any spirits whatsoever, of a greater degree of strength than that of one in seven under hydrometer proof; and if the said *George Bishop* shall sell or send out any spirits whatsoever, contrary to the true intent and meaning of this act, such spirits, together with the casks and vessels containing the same, and the horses, cattle, carts, and carriages made use of in the removal thereof, shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

L. And be it further enacted by the authority aforesaid, That if on casting up the stock of the said *George Bishop*, the officer of excise shall find the quantity of spirits contained in such stock, to exceed the quantity for which the said *George Bishop* is entitled to credit, at the strength of one in seven under hydrometer proof, after deducting and allowing for the quantity of spirits for which permits shall have been granted to the said *George Bishop*, then, and in every such case, the excess found shall be forfeited and lost, and shall and may be seized by any officer or officers of excise.

LI. And be it further enacted by the authority aforesaid, That before the said *George Bishop* shall make use of any malt or corn, for the purpose of making any wort or wash, he shall give twelve hours notice in writing to the proper officer of excise, of his intention to use the same, in order that the said officer may attend to weigh such malt or corn; and if the said *George Bishop* shall neglect to give such notice as aforesaid, he shall, for every such neglect, forfeit and lose the sum of two hundred pounds.

LII. And

LII. And be it further enacted by the authority aforesaid, That for the purpose of enabling the proper officer of excise to ascertain the strength of the wash on which the duty as aforesaid shall have been charged, the said *George Bishop* shall provide in his distillery house at *Maidstone* aforesaid, a small still with a worm and tub compleat, of a size sufficient to distill at one time twenty-four gallons of wash, and which quantity of wash such officer is hereby impowered to take and distill for the purpose aforesaid, when and as often as he shall think fit; and if twenty-four gallons of wash so distilled shall be found to produce more than two gallons and three fourth parts of a gallon of spirits, at the strength of one in seven under hydrometer proof, then the whole quantity of wash from which such twenty-four gallons were taken, shall be charged with a duty of one shilling per gallon.

A still to be provided at the said manufactory, to enable the officer to ascertain the strength of wash.

LIII. And be it further enacted by the authority aforesaid, That if any person or persons actually occupying any house, whether he, she, or they be the owner or renter, or owners or renters thereof, or not, shall knowingly permit any private back or still to be set up or used in any part of such house, or in any building thereto belonging, by any person or persons whomsoever for the making of wort, wash, or other liquor for distillation, or of any low wines or spirits, without a due entry being previously made thereof at the proper office of excise, or without having taken out a legal licence for that purpose, such occupier shall incur and be subject to the same pains and penalties as are by law directed to be inflicted on persons actually using any such back or still.

Occupiers of houses, permitting stills to be set up without entry and licence, subject to the like penalties as unlicensed distillers.

LIV. And be it enacted by the authority aforesaid, That no person licensed to sell brandy or other spirits by retail, or selling brandy or other spirits by retail, shall be the proprietor or owner of any distillery or rectifying house, or have any part or share in any distillery or rectifying house, or be in any manner concerned in the trade or business of a distiller, rectifier, or compounder of spirits; and if any such person so licensed, or so selling brandy, rum, or other spirits, by retail, shall be the proprietor or owner of any distillery or rectifying house, or have any part or share in any distillery or rectifying house, or be in any manner concerned in the trade or business of a distiller, rectifier, or compounder of spirits, such person shall, for every such offence, forfeit and lose the sum of two hundred pounds.

Retailers of spirits to forfeit 200l. if they have any share of any distillery.

LV. *And whereas great frauds have been committed by persons carrying on in the same premises the joint business of a vinegar-maker from melasses or sugar, and distiller of spirits from wash or wort made from melasses or sugar, or the joint business of a vinegar-maker from melasses or sugar, and a rectifier or compounder of spirits; for the preventing thereof in future,* be it further enacted, That, from and after the first day of February, one thousand seven hundred and eighty-seven, it shall not be lawful for any person carrying on the trade or business of a vinegar-maker from me-

Vinegar-makers not to carry on in the same premises a distillery.

lasses or sugar, or from any other materials, except malt or corn, to carry on, either alone or in partnership, the trade or business of a distiller, or maker or rectifier of spirits, in the buildings or premises in which such person shall carry on the trade of a vinegar-maker from any other materials than malt or corn, or within the distance of two miles thereof, and that all entries made for the carrying on the trade or business of a distiller, or maker or rectifier of spirits, contrary hereto, shall be null and void.

LVI. And be it further enacted by the authority aforesaid, That before any person or persons shall be intitled, after the first day of *August*, one thousand seven hundred and eighty-six, to carry on the trade of a vinegar-maker, he, she, or they shall make an entry with the proper officer of excise of the brewhouse, buildings, yard, or place for the carrying on such trade, and that in such and all future entries made by any vinegar-maker or vinegar-makers, it shall be declared and specified whether he, she, or they be a maker or makers of vinegar from malt or corn, or from melasses or sugar, or from any and what other materials; and that every entry not conformable thereto shall be void; and that all entries made by vinegar-makers on or before the said first day of *August*, one thousand seven hundred and eighty-six, shall, from and immediately after that day, become void, and be no longer in force.

From Aug. 1, 1786, all entries of vinegar-makers to be void, unless therein be expressed the materials from which the vinegar is made.

LVII. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall sell or send out any *British* spirits mixed with foreign spirits from their warehouses, storehouses, rooms, shops, cellars, vaults, sheds, or other places to him, her, or them belonging, in any greater quantity than four gallons, upon pain of forfeiting, for every such offence, the sum of fifty pounds.

No mixed spirits to be sent out in a greater quantity than four gallons, on penalty of 50l.

LVIII. And be it further enacted by the authority aforesaid, That no foreign brandy, rum, arrack, or other foreign spirits or strong waters, exceeding the quantity of sixty gallons, shall be brought within the limits of the chief office of excise in *London*, by one permit, or by one conveyance; at one and the same time, from any other part of *England*, or from *Wales*, or *Berwick upon Tweed*, either by land or water, save and except only by the way of *Gravesend*, to the port of *London*, in the legal and ordinary course of commerce, on pain of being seized and forfeited.

If more than 60 gallons of foreign spirits be brought to London at once, except in commerce, to be forfeited.

LIX. And be it further enacted by the authority aforesaid, That, from and after the first day of *October*, one thousand seven hundred and eighty-six, no foreign spirituous liquors whatever (except rum of the growth or produce of the *British* plantations, and arrack) shall be imported or brought into *Great Britain*, or into any port, harbour, haven, or creek thereof, in any vessel or cask which shall contain less than one hundred gallons at the least (excepting only for the use of the seamen then belonging to and on board the ship or vessel in which the same shall be imported, not exceeding two gallons

for

for each seaman), upon pain of forfeiting such foreign spirituous liquors, and also the ship or vessel in which the same shall be so imported, of whatever burthen the same may be, with all her guns, furniture, ammunition, tackle, and apparel.

LX. And be it further enacted by the authority aforesaid, That, from and after the first day of *November*, one thousand seven hundred and eighty-six, no person or persons whatsoever shall import into the kingdom of *Great Britain* any foreign brandy, arrack, rum, spirits, or strong waters whatsoever, of a greater or higher degree of strength than that of one to nine over hydrometer proof; and if any foreign brandy, arrack, rum, spirits, or strong waters, shall be imported of any greater or higher degree of strength than as aforesaid, the same shall be forfeited and lost, together with the casks and packages containing the same, and shall and may be seized by any officer or officers of the customs or excise: provided always, That nothing herein-before contained shall extend, or be deemed or construed to extend, to the forfeiture of any rum, or spirits of the growth, produce and manufacture of the *British* sugar plantations, for being imported into this kingdom, of any greater degree than that of one to nine over hydrometer proof.

After Nov. 1, 1786, spirits imported stronger than one to nine over hydrometer proof (except from British plantations) to be forfeited.

LXI. And whereas the quantities of wort, wash, or other liquor, produced to the officers of excise at several distilleries taken for a given time, have occasionally fallen short of the quantities which the stills and utensils belonging to such distilleries were, according to the ordinary course of distillation, capable of working within the same given time, and there is reason to suspect that considerable quantities of wort, wash, and other liquor, have been fraudulently worked at such distilleries, in prejudice of his Majesty's revenue, and to the manifest injury of the fair trader; for remedy whereof, be it enacted, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, every entered wash still, belonging to any distiller or distillers, or maker or makers of spirits from malt or corn, for home consumption, during the time the same shall be worked, shall be presumed to have been charged with wash, in the proportion of three parts in four of the content or capacity of such still, including the head thereof, according to the average rates herein-after expressed and specified; (that is to say), For such time or times as such wash still shall be worked betwixt the fifteenth day of *November* inclusive, in any one year, and the fifteenth day of *May* exclusive, in the next succeeding year, every such wash still shall be presumed to have been charged as aforesaid at the average rate of five times in every week; and for such time or times as the same shall be worked betwixt the fifteenth day of *May* inclusive, in any one year, and the fifteenth day of *November* exclusive, in the same year, every such wash still shall be presumed to have been charged as aforesaid at the average rate of four times in every week.

Quantities of wort with which stills are to be presumed to be charged, during the time of working, etc.

No entry to be withdrawn after a ftill fhall have begun working, in lefs than three months.

After three months, entries may be withdrawn on giving notice.

Commissioners of excife may grant relief where the prefumed charges of duty exceed the actual quantity of wafh.

No ftills that have difcontinued working to recommence without giving notice, on penalty of 200l.

Regulations with regard to feizures made

LXII. And be it further enacted, That, from and after the faid firft day of *Auguft*, every fuch wafh ftill, after the working thereof fhall have commenced and been begun, fhall be prefumed to be kept regularly in work for the fpace of three calendar months fucceffively, at the leaft, to be computed from the day of the actual working thereof; and no perfon or perfons who fhall have begun to work any wafh ftill fhall be at liberty to difcontinue or withdraw the entry of any fuch ftill after the working thereof fhall have commenced and been begun, until the expiration of the faid term of three calendar months, to be computed as aforefaid.

LXIII. Provided always, and be it further enacted, That when the owner or owners of any wafh ftill fhall be inclined to difcontinue working the fame, fuch owner or owners fhall be at liberty fo to do at any time after the end and expiration of the faid three calendar months, to be computed as aforefaid, upon giving notice in writing, four days at leaft, to the officer of the diftrict or place, of fuch his, her, or their intention, and expreffing in fuch notice the day on which the working of fuch ftill is intended to be difcontinued.

LXIV. Provided alfo, and be it further enacted, That if it fhall at any time be made appear, by fufficient proof upon oath, to the fatisfaction of the commissioners of excife, the fufficiency of fuch proof being left to the judgement of the faid commissioners, that the difference or excefs in the amount of the prefumptive charges of the ftill, beyond the quantity of wort, wafh, or other liquor, actually produced to the fight of the officer was occafioned or fhall have arifen by unavoidable neceffity, and that all the wort, wafh, and other liquor worked off at fuch wafh ftill, was *bona fide* produced to the fight of the officer; then, and in every fuch cafe, it fhall be lawful for the commissioners of excife, and they are hereby required to grant to the owner or owners of fuch wafh ftill fuch relief as fhall in their judgement be reasonable and juft.

LXV. And be it further enacted, That when and fo often as the owner or owners of any fuch ftills who fhall have difcontinued working the fame in the manner aforefaid, fhall be inclined to recommence the working thereof, fuch owner or owners fhall fignify fuch his, her, or their intention to the officer of excife by notice in writing, four days at the leaft next antecedently to the day whereon fuch working is intended to be renewed, (which day fhall be fpecified in fuch notice); and if any fuch owner or owners, or other perfon or perfons, fhall recommence fuch working without fuch notice being given as is herein before directed, he, fhe, or they, fhall forfeit and lofe the fum of two hundred pounds.

LXVI. And be it further enacted by the authority aforefaid, That all arrack and rum, and all home made and foreign brandy, compounds, and other fpirits of what kind foever, which, between the tenth day of *October*, one thoufand feven hundred

hundred and eighty-four, and the fifth day of *July*, one thousand, seven hundred and eighty-six, have been, or may be, seized and condemned, and are now remaining in his Majesty's warehouses, or may be deposited therein previous to the said fifth day of *July*, and which were, by the said act, made in the twenty-fourth year of his said Majesty's reign, directed to be staved and destroyed, shall be valued by such persons, and in such manner and form; as the respective commissioners of the customs in *England* and *Scotland*, or the major part of them, respectively, in cases of seizures made by the officers of the customs, and as the respective commissioners of excise in *England* and *Scotland*, or the major part of them respectively, in cases of seizures made by the officers of excise, shall direct; and that after such valuation, the same, or any part thereof, shall, at the discretion of the said respective commissioners, or the major part of them respectively, be either staved and destroyed, except in such cases where it shall appear, to the said respective commissioners of the customs and excise in *England* and *Scotland* respectively, or the major part of them respectively, that such condemned spirits are proper to be disposed of to or for any of the uses or purposes herein-after mentioned; that is to say, to or for the use of his Majesty's navy or army, or of the crews of ships or vessels employed in the service of the revenue of customs or excise, or of his Majesty's garrisons abroad, or for exportation to foreign parts, or for consumption on board of any ships or vessels going upon foreign voyages, in which two last mentioned cases, the same shall be shipped under the like security for the due exportation or consumption thereof respectively as aforesaid, as is required in the case of spirits which may be lawfully exported or shipped for consumption on shipboard, and shall be subject to re-seizure and re-condemnation in case of being relanded; and the persons relanding the same shall be subject to the like pains and penalties as they respectively would have been subject to for the same in case such spirits had been made, or originally intended and shipped for exportation or for consumption on shipboard, as aforesaid: provided always, That whenever it shall be judged expedient by the said respective commissioners that such spirits shall be sold for any of the purposes before mentioned, the said commissioners shall, and they are hereby required respectively to certify the facts and circumstances of the seizure and condemnation of such spirits, and the quantity thereof, with their opinion to or for which of the uses or purposes herein-before mentioned the same may be properly applied, unto the lord high treasurer, or lords commissioners of the treasury, or any three of them for the time being, who is and are hereby authorized and empowered, from time to time, to make such orders for the application or disposal thereof, to or for any of the said purposes, as they in their judgement shall think fit.

LXVII. And be it further enacted by the authority aforesaid, That upon the officer or officers who shall have seized any such seizures

between Oct.
10, 1784, and
July 5, 1786.

Officers who
have made
any such seizures

to receive the following fums, viz.

any fuch arrack, rum, brandy, compounds, or other fpirits, producing a fatisfactory certificate or proof of the condemnation and valuation thereof, and of the fecuring the fame as aforefaid, unto the faid refpective commiffioners, the faid refpective commiffioners are hereby authorifed and required to direct the receiver-general of the customs, or the proper officers of excife, as the cafe may be, to pay to fuch officer, within twenty days after producing fuch certificate, out of any of the duties in their refpective receipt or collection, the feveral fums following; (that is to fay),

For every gallon of arrack, French brandy, &c. of the ftrength of one to ten over hydrometer proof, 2s 6d.

For every gallon of arrack, cordials, or French brandy, of the ftrength of one to ten over hydrometer proof, and fo in proportion for any higher or lower degree of ftrength, the fum of two fhillings and fixpence:

For every gallon of other foreign brandy, etc. in proportion to its ftrength, 2s. 2d.

For every gallon of other foreign brandy, or of foreign geneva, or rum, in proportion to the ftrength thereof as aforefaid, the fum of two fhillings and two-pence:

For every gallon of other fpirits, 2s.

And for every gallon of other fpirits, British or foreign, of what kind foever, in proportion to the ftrength thereof as aforefaid, the fum of two fhillings.

Duties to be levied as former duties, and to be paid into the exchequer.

Which faid fums fhall be in lieu and fatisfaction of all other rewards whatfoever (the charges of feizure, removal, and condemnation, only excepted), any law, ftatute, or ufage, to the contrary notwithstanding.

Appropriation of duties.

LXVIII. And be it further enacted by the authority aforefaid, That all the monies arifing from the faid rates and duties hereby impofed, fhall, from time to time, be raifed, levied, collected, and paid, at fuch time and times as the aforefaid duties upon low wines and fpirits, made for home confumption, and hereby difcontinued, have ufually been, or ought to have been, or are directed to be raifed, levied, collected, or paid; and that all the monies whatfoever arifing from the rates and duties hereby impofed, fhall be paid into the receipt of the exchequer by the commiffioners of excife, and fhall be appropriated and applied in manner following; that is to fay, Five fixth parts thereof, to and for the feveral and the fame ufes and purposes as the faid rates and duties on low wines and fpirits hereby difcontinued, were by the feveral acts for granting, impofing, and appropriating the fame, directed to be appropriated and applied refpectively; and the remaining part thereof fhall be carried to and made part of the fund, commonly called *The Sinking Fund*, and fhall be applicable to the fame ufes and purposes as the faid finking fund is now applicable unto.

Provisions of former acts extended to this.

LXIX. And be it further enacted by the authority aforefaid, That all the powers, authorities, methods, rules, directions, regulations, penalties, forfeitures, provisions, clauses, matters, and things, which in or by any act or acts of parliament relating to the duties upon low wines and fpirits for home confumption, or to his Majesty's duties of excife upon fpirituous liquors

liquors or ftrong waters, in force at the time of paffing of the faid aâ, made in the twenty-fourth year of his faid Majefty's reign, are contained, provided, fettled, or eftablifhed, for managing, affeffing, raifing, levying, collecting, recovering, adjudging, mitigating, afcertaining, enforcing, or fecuring the rates or duties thereby impofed, and for preventing, detecting, and punifhing frauds relating thereto, not being exprefsly altered, repealed, changed or controlled by this aâ, or not being repugnant to any of the matters, claufes, provifions, or regulations in this aâ contained, fhall be and continue in full force, and be duly obferved, praâifed, applied, ufed, and put in execution throughout *England*, in and for the managing, affeffing, raifing, levying, collecting, recovering, adjudging, mitigating, afcertaining, enforcing, and fecuring the faid feveral duties by this aâ impofed, and for preventing, detecting, and punifhing frauds relating thereto, as fully and effectually, to all intents and purpofes, as if all and every the faid powers, authorities, methods, rules, direâions, regulations, penalties, forfeitures, provifions, claufes, matters, and things, had been exprefsly inferted and re-enacted in this aâ.

LXX. And be it further enacted by the authority aforefaid, That if any action or fuit fhall be brought or commenced againft any perfon or perfons, for any matter or thing done by any officer or officers of the customs or excife, or any others aâing in his or their aid, in the execution of, or by reafon of his or their office, under the authority, or by colour of this aâ, fuch action or fuit fhall be brought or commenced within three months next after the caufe of action fhall have arifen, and not afterwards, and fhall be laid in the county or place where the facts were committed, and not in any other county or place, unlefs otherwife directed by the fpecial rule or order of the court wherein fuch action fhall be depending, and the defendant or defendants fhall and may plead the general iffue, and give the fpecial matter in evidence at any trial to be had thereupon; and if the plaintiff or plaintiffs fhall become nonfuit, or difcontinue his, her, or their action or fuit, or if, upon a verdict or demurrer, judgement fhall be given againft the plaintiff or plaintiffs, the defendant or defendants fhall and may recover treble cofts, and have fuch remedies for the fame as any defendant or defendants can or may have in other cafes.

General iffue.

LXXI. And be it further enacted by the authority aforefaid, That if any diftiller or maker, or diftillers or makers, of low wines or fpirits, or rectifier or compounder, or rectifiers or compounders of, or dealer or dealers in, fpirits or ftrong waters, or any workman or fervant belonging to him, her, or them, fhall obftruct or affault, refift, oppofe, moleft, or hinder any officer or officers of excife in the due execution of the feveral powers and authorities given or granted to fuch officer or officers by this or any other aâ now in force, relating to diftillers, rectifiers, or compounders of fpirits, or to dealers in fpirits or ftrong waters, every fuch diftiller or maker, rectifier, compounder,

Perfons obftructing officers in their duty, to forfeit 200l.

pounder, or dealer shall, except in such cases for which any other penalty or penalties are herein-before directed, forfeit and lose, for every such offence, the sum of two hundred pounds.

How penalties are to be recovered and applied.

LXXII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures imposed by this act shall be sued for, recovered, levied, and mitigated, by such ways, means, or methods, as any fine, penalty, or forfeiture, is or may be sued for, recovered, or levied, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him, her, or them who shall discover, inform, or sue for the same.

Persons sued for penalties under this act, not liable to the penalties of former acts, &c.

LXXIII. Provided always, and be it further enacted, That no person, who shall be sued or prosecuted for any of the penalties or forfeitures imposed by this act, shall be liable to any penalty or forfeiture imposed for the same offence by any former act; nor shall any person who shall be sued or prosecuted for any penalty or forfeiture imposed by any former act, be liable to any penalty or forfeiture imposed for the same offence by this present act.

Act to continue in force for 2 years, from Aug. 1, 1786.

LXXIV. And be it further enacted by the authority aforesaid, That this act shall commence and take effect, as to all such matters and things therein contained, in respect whereof no special commencement is hereby directed or provided, from and immediately after the first day of *August*, one thousand seven hundred and eighty-six, and shall remain and continue in force, as to all such matters and things therein contained, in respect whereof it is not hereby otherwise directed, for the space of two years, to be computed from that day.

Act 24 Geo. 3. c. 46. repealed, except such parts as relate to lands of *Ferintosh*, arrears of duties, and penalties.

LXXV. And be it further enacted by the authority aforesaid, That the said act made in the said twenty-fourth year of the reign of his present Majesty, other than and except so much and such parts thereof as vest in his Majesty, or relate to or concern the duties of excise within the lands of *Ferintosh*, in the county of *Inverness*, or regard an exemption from the payment thereof, or the making of any contract, agreement, or trial, thereby authorized in respect to the said duties or exemptions; and also other than and except in respect to the arrears of any of the rates and duties in and by the said last-mentioned act charged, granted, or imposed, and which, at the commencement of this act, shall remain due and unpaid, or to any penalty or forfeiture, or penalties or forfeitures, incurred in respect thereof, or under or by virtue of the said act; and also except so far as the said last-mentioned act is not already repealed by any other act of the present session of parliament, shall be, and the same is, from and after the commencement of this act, repealed.

Act 19 Geo. 3. c. 25; and

LXXVI. And whereas by an act made in the nineteenth year of the reign of his present Majesty, (intituled, An act for granting to his Majesty additional duties on the produce of the several duties under the management of the respective commissioners of the

the customs and excise in Great Britain), an additional impost or duty, after the rate of five pounds per centum, was granted upon the produce and amount of all the several subsidies, imposts, and other duties, of what kind or nature soever they might be, which were then due and payable to his Majesty, and were collected in this kingdom, under the management and direction of the respective commissioners of the customs in Great Britain, for and upon any goods and merchandizes imported into or exported from, or carried coastwise into Great Britain; which said additional impost or duty was charged upon the amount of the said former subsidies, imposts, and other duties, after the usual discounts and other allowances had been made and deducted therefrom; and also an additional duty or charge of five pounds per centum was granted to his Majesty, upon the produce and amount of all the several inland duties, rates, impositions, and charges, (except as therein after is excepted), then payable to his Majesty, and which were charged and collected under the management of the respective commissioners in England and Scotland: and whereas by another act, made in the twentieth year of his Majesty's reign, (intituled, An act for granting to his Majesty additional duties upon malt, and upon low wines and spirits made for home consumption, and upon foreign spirits imported into Great Britain, and upon the produce of the said several duties; and for granting a duty on licences to be taken out by all persons trading in, vending, or selling of, coffee, tea, or chocolate), further rates and duties were granted and imposed, amongst other things, upon spirits imported into Great Britain, from parts beyond the seas, over and above all duties, charges, and impositions by any former act or acts of parliament thereupon set or imposed: and whereas by another act, made in the twenty-first year of his said Majesty's reign, (intituled, An act for granting to his Majesty an additional duty upon the produce of the several duties under the management of the respective commissioners of the excise in Great Britain), a further additional duty or charge of five pounds per centum was granted and imposed upon the produce and amount of all the several inland duties, rates, impositions, and charges, (except as therein is excepted), then payable to his Majesty, and which were charged and collected under the management of the respective commissioners of excise in England and Scotland: and whereas by another act, made in the twenty-second year of his said Majesty's reign, (intituled An act for granting to his Majesty additional duties upon the produce of the several duties under the management of the respective commissioners of the customs and excise in Great Britain), a further additional duty or charge of five pounds per centum was granted to his Majesty upon the produce and amount of all the several inland duties, rates, impositions, and charges, (except as therein is excepted), then payable to his Majesty, and which were charged and collected under the management of the respective commissioners of excise in England and Scotland: and whereas it is expedient to suspend the several additional imposts, rates, and duties by the said several acts made in the nineteenth, twentieth, twenty-first, and twenty-second years of his said Majesty's reign, imposed upon rum and upon other spirits imported into Great Britain from his Majesty's

act 20 Geo. 3.
c. 5; and

act 21 Geo. 3.
c. 17; and

act 22 Geo. 3.
c. 68. recited;

Sugar

and the additional duties thereby imposed on rum and spirits from the West Indies, suspended for 2 years.

sugar plantations in the West Indies, be it therefore enacted, That the several additional rates and duties in and by the said acts of the twentieth of his present Majesty's reign, granted and imposed upon rum and spirits imported into *Great Britain*, being the produce, production, and manufacture of the *British* sugar islands, or sugar plantations, in the *West Indies*; and also the several and respective additional imposts, duties, or charges, after the rate of five pounds *per centum*, imposed and granted in and by the aforesaid three several acts, made in the nineteenth, twenty-first, and twenty-second years of his Majesty's reign, upon rum and spirits of the growth, produce, and manufacture aforesaid, imported into this kingdom; and all penalties and forfeitures in respect of the said additional imposts, duties, or charges thereby imposed upon the rum and spirits aforesaid respectively, shall be, and the same are hereby suspended for the term of two years, to be computed from the fifth day of *July*, one thousand seven hundred and eighty-six; but that such suspension shall not extend to or affect any of the arrears of the said additional imposts, rates, or duties, or any of them, now remaining due and unpaid, or any penalty or forfeiture, or penalties or forfeitures, incurred in respect thereof.

F O R M of the E N T R Y:

For a *Corn Distiller*.

I *A. B.* of _____ street, in the parish of _____ distiller, do hereby revoke all former entries by me made, and do make entry of the under-mentioned utensils for preparing and distilling wash from corn and grain; *videlicet*;

- One copper, for preparing and brewing worts.
- One mash tun, for mashing grain.
- One under back, for receiving worts from the mash tun.
- Six coolers, for cooling worts.
- One bub back, for making and keeping bub.
- Ten wash backs, for fermenting and keeping wash.
- One jack back, for receiving wash from the wash backs to be pumped into the wash still.
- One still for distilling wash into low wines.
- One still for distilling low wines into spirits.
- One low wine cask, for receiving low wines from the wash still.
- One spirit cask, for receiving spirits from the low wine still; and one feint cask, for receiving and keeping feints.

All these utensils are situate in my distill house in street aforesaid, and this entry is for home consumption, (or exportation, as the case may require).

Witness

Witness my hand, this _____ day of
One thousand _____

A. B.

Witness
C. D.
E. F.

For a *Melasses Distiller, Rectifier, or Compounder.*

I A. B. of _____ street, in the parish of _____ distiller, do hereby revoke all entries by me made, and do make entry of the under-mentioned utensils for preparing, fermenting, and distilling wash from melasses or sugar; *videlicet*;

Fourteen wash backs, for fermenting and keeping wash.
One jack back, for receiving wash from the wash backs to be pumped into the wash still.

Four stills for distilling; *videlicet*;
One of those stills for distilling wash into low wines.
Another still for distilling low wines into spirits.
Also all the four stills for rectifying and compounding spirits.

One low wine cask, for receiving low wines from the wash still.

One spirit cask, for receiving spirits from the low wines still; and one feint cask, for receiving and keeping feints.

All these utensils are situate in my distill house in _____ street aforesaid, and this entry is for home consumption (*or exportation, as the case may require*).

Witness my hand, this _____ day of _____ 178

A. B.

Witness
C. D.
E. F.

C A P. LXXIV.

An act for granting to his Majesty additional duties upon sweets, and for ascertaining the duties upon licences to be taken out by persons dealing in sweets:

From July 15, 1786, an additional duty of 6s. per barrel to be paid for sweets made from foreign fruit or sugar, or mixed with any other ingredients called Sweets or Made Wines. Additional duties to be paid as former duties are. Additional duty to be chargeable with the five per cents. &c. granted by act 19 Geo. 3. c. 25; and act 21 Geo. 3. c. 17; and act 22 Geo. 3. c. 66. Duties to be paid to the commissioners of excise and by them into the exchequer weekly, and carried to the sinking fund. Act 9 Annæ, c. 23; and act 30 Geo. 2. c. 19; and act 31 Geo. 2. c. 31. recited. From July 5, 1786, licences for selling sweets by retail may be granted to persons not having a spirituous liquor or ale licence, on a stamp of 2l. 4s. each. Former provisions relating to stamps on wine licences extended to this act, where not hereby altered. Licences

cences to contain, and dealers to exhibit on their houfes, the words Dealer in British Wines. Licence duties to be applied as former wine licence duties are.

C A P. LXXV.

An act for appointing commissioners to enquire into the losses of all such persons who have suffered in their properties, in consequence of the cession of the province of East Florida to the king of Spain.

Preamble.

WHEREAS by the fifth article of the definitive treaty of peace, concluded at Versailles, on the third day of September, one thousand seven hundred and eighty-three, between your Majesty and his most catholic majesty the King of Spain, it was agreed that the province of East Florida, which was, at the time of concluding such treaty, in your Majesty's allegiance, should be ceded and guaranteed in full right to his most catholic Majesty: and whereas divers of your Majesty's faithful subjects have suffered in their rights and properties in consequence of such cession, and have sustained great losses thereby, your faithful commons, being desirous that a diligent and impartial enquiry should be made into the losses of such persons as may apply in the manner and within the time herein-after mentioned, and into such circumstances as may be material to their respective claims, do therefore pray your majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That colonel Nesbit Balfour, and John Spranger esquire, shall be, and they are hereby constituted commissioners for enquiring into the respective losses of all such persons who have suffered in their rights and properties, in consequence of the cession of the said province, and into such circumstances as may be material to their respective claims.

Commissioners appointed to enquire into losses,

and to take the following oath.

II. And be it further enacted, That the commissioners in this act named, before they enter upon the execution of the same, shall take an oath before the master of the rolls for the time being, or one of his Majesty's justices of the court of king's bench, common pleas, or barons of the exchequer, (which they, or either of them, are hereby authorized and required to administer), in the form following; that is to say,

The oath.

I A. B. do swear, That, according to the best of my skill and knowledge, I will faithfully, impartially, and truly execute the several powers and trusts vested in me by an act, intituled, An act for appointing commissioners to enquire into the losses of all such persons who have suffered in their properties, in consequence of the cession of the province of East Florida to the King of Spain, according to the tenor and purport of the said act.

Commissioners to examine persons upon oath.

III. And be it further enacted, That it shall and may be lawful to and for the said commissioners, and they are hereby authorized, empowered, and required to examine, upon oath, (which

(which oath they are hereby authorized to administer), all persons whom the said commissioners shall think fit to examine, touching all such matters and things as shall be necessary for the execution of the powers vested in the said commissioners by this act, and all such persons are hereby directed and required punctually to attend the said commissioners at such time or place as they shall appoint.

IV. And be it enacted by the authority aforesaid, That the said commissioners are hereby authorized to meet and sit, from time to time, at the office of the late secretary of state, or any other place, with or without adjournment, and to send their precept or precepts, under their hands and seals, for any person or persons whatsoever, and for such books, papers, writings or records, as they shall judge necessary for their information in the execution of the powers vested in the said commissioners by this act; and the said commissioners are hereby authorized to appoint and employ such clerks, messengers, and officers, as they shall think meet, which clerks and officers are hereby required faithfully to execute and perform the trust in them severally and respectively reposed, without taking any thing for such their service, other than such salary or rewards as the said commissioners shall think fit to direct and appoint in that behalf.

Commissioners to meet at the office of the late secretary of state, to issue precepts for attendance of persons appointed clerks, &c.

V. And be it enacted by the authority aforesaid, That if it shall appear to the said commissioners that any person shall have delivered to them an account or claim beyond the real loss, with a fraudulent intent to obtain more than a just compensation, the said commissioners shall, with all convenient dispatch, report such account or claim, with the evidence taken thereupon, to the commissioners of his Majesty's treasury, who are hereby authorized to make such further enquiry upon the case as they shall think proper; and if they, or any three of them, shall be of opinion that such account or claim is fraudulent, then such person shall be absolutely excluded from any compensation or provision whatsoever.

To report to the treasury fraudulent claims, which shall exclude the party from any compensation whatever.

VI. And be it further enacted by the authority aforesaid, That in case any person or persons, upon examination upon oath before the said commissioners respectively as before mentioned, shall wilfully and corruptly give false evidence, every such person or persons so offending, and being thereof duly convicted, shall be, and is and are hereby declared to be subject and liable to such pains and penalties as by any law now in being persons convicted of wilful and corrupt perjury are subject and liable to.

Persons giving false evidence to be deemed guilty of corrupt perjury.

VII. *And whereas several proprietors of East Florida, and the agents of several other proprietors of the said province, respectively intitled to the benefit of this act, are resident in the Bahama Islands, and other of his Majesty's colonies in America: and whereas it may be attended with great inconvenience to such persons to come to Great Britain to substantiate their respective claims, or to give their evidence in support of the claims of other proprietors for whom they have acted as agents,* be it therefore enacted, That the governor, Governors,

Bahama
iflands, or
British colo-
nies in Ame-
rica, to exa-
mine into the
loffes of refi-
dent parties,
and to report
thereupon to
the commif-
fioners.

lieutenant governor, or commander in chief, and council, for the time being, of any fuch ifland or colony, fhall, and they are hereby directed and required to enquire into the loffes of all and every fuch perfon or perfons, and to examine all and every fuch agent or agents as may repair to them for that purpofe upon oath, which oath the faid governor, lieutenant governor, or commander in chief, or any member of the council for the time being, is hereby authorized and impowered to adminifter; and fuch governor, lieutenant governor, or commander in chief, and council, for the time being, are hereby invefted with the fame powers and authorities for enquiring into fuch claims as the commiffioners appointed by this act are invefted with, and they are hereby directed to proceed immediately on all and every fuch claim or claims, examination or examinations, when tendered to them, and to report from time to time, by the firft opportunity in their power, their opinion or opinions on all and every fuch claim or claims, with the evidence on which fuch opinion or opinions was or were formed, and alfo to report, from time to time, the evidence of all and every fuch agent or agents to the commiffioners appointed by this act, in order that all and every fuch claim or claims may be ultimately judged of and decided upon by fuch commiffioners, and be inferted by them amongst the claims to be laid before the lords commiffioners of the treasury, or the lord high treafurer, for the time being, and his Majesty's fecretaries of ftate.

Perfons giv-
ing falfe evi-
dence before
the governor,
&c. to be
deemed guilty
of perjury.

VIII. And be it further enacted by the authority aforefaid, That in cafe any perfon or perfons, upon examination upon oath before the faid governor, lieutenant governor, or commander in chief, and council, for the time being, as before mentioned, fhall wilfully and corruptly give falfe evidence, every fuch perfon or perfons fo offending, and being thereof duly convicted, fhall be, and is and are hereby declared to be fubject and liable to fuch pains and penalties as by any law now in being perfons convicted of wilful and corrupt perjury are fubject and liable to.

No claim to
be received in
Britain after
Jan. 1, nor in
the Bahama
Iflands, &c.
after March
1, 1787.

IX. And be it further enacted, That no claim or request of any perfon or perfons for aid or relief, on account of the lofs of any property in confequence of fuch ceflion, fhall be received, in *Great Britain*, after the firft day of *January*, one thoufand feven hundred and eighty-feven, or in the *Bahama Iflands*, or any other of his Majesty's colonies in *America*, after the firft day of *March*, one thoufand feven hundred and eighty-feven.

Commiffion-
ers to give an
account of
their proceed-
ings to the
treafury, and
the fecretaries
of ftate.

X. And be it further enacted, That the faid commiffioners fhall from time to time, at their difcretion, or as often as they fhall be thereunto required, and as foon as poffible after the determination of their examinations and proceedings, by virtue of this act, without any further requifition, give an account of their proceedings, in writing, to the lords commiffioners of his Majesty's treasury, and to his Majesty's principal fecretaries of ftate for the time being.

Treafury may
order 1,000l.

XI. And be it further enacted, That the lords commiffioners of

of the treasury, or lord high treasurer, for the time being, are hereby authorised and required to issue, and cause to be paid, all such sums of money, not exceeding one thousand pounds, to such person or persons as the said commissioners shall by writing under their hands desire or direct, out of any part of the publick monies remaining in his Majesty's exchequer, which sum so issued and paid shall be employed for the payment of clerks, messengers, and other officers, and in defraying all other necessary charges in or about the execution of the powers of this act, and in such manner and in such proportions as shall be appointed by the said commissioners, by writing under their hands and seals in that behalf, the same to be accounted for by the person or persons to whom the same shall be issued and paid, according to the course of his Majesty's exchequer, without any fee or other charges to be taken on the passing of the said accounts, other than such sum as the said commissioners shall appoint.

to be issued
for payment
of clerks, &c.

XII. And be it further enacted by the authority aforesaid, That in case of a vacancy or vacancies, by death or resignation, of any one or more of the said commissioners, it shall and may be lawful for his Majesty to nominate and appoint such person or persons as he may think proper, to supply such vacancy or vacancies, and that every person so nominated and appointed shall be held and considered to be invested with all and the same powers as are delegated to the commissioners appointed by this act.

His Majesty
to nominate
commissioners
as vacancies
happen.

XIII. And be it further enacted, That this act shall continue in force for two years from the passing of this act, and no longer.

Continuance
of this act.

C A P. LXXVI.

An act for repealing so much of two acts, passed in the fourteenth and twenty-first years of the reign of his present Majesty, as prohibits the exportation of wool cards of a limited price.

14 Geo. 3. c. 71; and 21 Geo. 3. c. 37. recited. Such parts thereof, as prohibit the exportation of wool cards of 4s. per pair, and spinners' cards of the value of 1s. 6d. per pair, repealed.

C A P. LXXVII.

An act to limit a time for the repayment of the duties on male servants and carriages by the commissioners of excise; and also on horses, waggons, wains, and carts, by the commissioners of stamps; and for the amendment of several laws relating to the duties under the management of the commissioners of excise.

WHEREAS by an act, made in the last session of parliament, Preamble. (intituled, An act to repeal the duties on male servants, 25 Geo. 3. c. and for granting new duties on male and female servants), it 43; and was enacted, That all persons who, previously to the fifth day of July, one thousand seven hundred and eighty-five, should have paid duties on male servants, by that act repealed, for any part of the three quarters of a year for which the first assessment on male servants under that

act was thereby directed to be made, or their respective executors or administrators, should, after paying the said first assessment, have a right to receive back from the commissioners of excise, or any officer or officers appointed by them, out of any money which should have been paid into, or be in their hands, such a proportion of the repealed duties on male servants so already paid to the said commissioners of excise, or their officers, as should be necessary to prevent a double payment of the said duties, in respect of such male servants, for the said three quarters on the said first assessment, or for any part thereof: and whereas by another *act*, made in the last session of parliament, (intituled, An *act* for transferring the receipt and management of certain duties therein mentioned, from the commissioners of excise and the commissioners of stamps respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred), it was enacted, That all persons who, previously to the fifth day of July, one thousand seven hundred and eighty-five, should have paid the duties on carriages in that *act* mentioned in that behalf, for any part of the three quarters of a year for which the first assessments under that *act* were thereby directed to be made, should, after paying the said first assessments, have a right to receive back from the commissioners of excise, or any officer or officers appointed by them, out of any monies which should have been paid into, or be in their hands, such a proportion of the duties so already paid to the said commissioners of excise as should be necessary to prevent a double payment of the said duties for the said three quarters on the said first assessments, or for any part thereof: and whereas it is expedient that a limited time should be prescribed, within which, all and every repayment, in respect to the said duties on male servants, and on carriages, heretofore under the management of the commissioners of excise, shall be demanded: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every person having a right, according to the acts aforesaid, or either of them, to any repayment in respect of the said duties on male servants, or of the said duties on carriages, heretofore under the management of the commissioners of excise, shall make demand of such repayment before the fifth day of July, one thousand seven hundred and eighty-seven, from the commissioners of excise, if such person demanding such repayment had before paid such respective duty at the chief office of excise in London, or from the collector of excise within whose collection such person demanding such repayment had before paid such respective duty; and that no repayment shall be made to any person or persons in respect of such duties on male servants, or of such duties on carriages, heretofore under the management of the commissioners of excise, that shall not be demanded as aforesaid before the said fifth day of July, one thousand seven hundred and eighty-seven.

II. *And* whereas, by an *act* made in the twenty-third year of his present Majesty's reign, (intituled, An *act* for granting to his Majesty

25 Geo. 3.
c. 47. recited
in part.

No demands
for repay-
ment of du-
ties, under the
recited acts,
to be satisfied,
unless made to
the excise be-
fore July 5,
1787.

23 Geo. 3.
c. 66; and

jefty feveral rates and duties upon waggons, wains, carts, and other fuch carriages, not charged with any duty under the management of the commissioners of excife), it was enacted, That, from and after the firft day of November, one thoufand feven hundred and eighty-three, there fhould be paid unto his Majefty, his heirs and fucceffors, certain duties therein mentioned: and whereas, by another act, made in the twenty-fourth year of his prefent Majefty, for granting certain duties on horfes kept for the purpofe of riding, and on horfes ufed in drawing certain carriages, in refpect whereof any duty of excife is made payable, it was enacted, That, from and after the twenty-ninth day of September, one thoufand feven hundred and eighty-four, there fhould be paid unto his Majefty, his heirs and fucceffors, certain duties therein mentioned; and the faid two feveral duties were placed under the management of the commissioners of ftamps: and whereas, by an act made in the laft feffion of parliament, (intituled, An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excife, and the commissioners of ftamps, refpectively, to the commissioners for the affairs of taxes; and alfo for making further provifions in refpect to the faid duties fo transferred), it was enacted, That all perfons who, previously to the fifth day of July, or tenth day of October, one thoufand feven hundred and eighty-five, fhould have paid the faid duties on carriages, and on horfes, in that act mentioned, for any part of the three quarters of a year for which the firft affeffments under that act were thereby directed to be made, fhould, after paying the faid firft affeffments, have a right to receive back from the commissioners of ftamps, or any officer or officers appointed by them, out of any monies which fhould have been paid into, or be in their hands, fuch a proportion of the duties fo already paid to the faid commissioners of ftamps as fhould be neceffary to prevent a double payment of the faid duties for the faid three quarters, or half year, on the faid firft affeffments, or for any part thereof: and whereas it is expedient that a limited time fhould be prefcribed, within which all and every repayment, in refpect to the faid recited duties under the management of the commissioners of ftamps, fhall be demanded; be it therefore enacted, That every perfon having a right to any repayment, in refpect of the faid recited duties under the management of the commissioners of ftamps, fhall make demand of fuch repayment before the fifth day of July, one thoufand feven hundred and eighty-feven, from the commissioners of ftamps, if fuch perfon demanding fuch repayment had before paid fuch refpective duty at the head office of ftamps in London, or from the diftributor of ftamps, or their fub-diftributors, in the feveral counties, diftricts, or divifions, within which fuch perfon demanding fuch repayment had before paid fuch refpective duties, and that no repayment fhall be made thereon that fhall not be demanded, as aforefaid, before the faid fifth day of July, one thoufand feven hundred and eighty-feven.

III. And whereas, by another act made in the feventeenth year of his prefent Majefty's reign, (intituled, An act for granting to his Majefty a duty upon all fervants retained or employed in the feveral

24 Geo. 3.
c. 31; and

25 Geo. 3.
c. 47. recited
in part.

No demand for repayment of duties, under the three laft recited acts, to be fatisfied, unlefs made to the ftamp office before July 5, 1787.

17 Geo. 3.
c. 39. recited
in part.

feveral capacities therein mentioned; and for repealing feveral rates and duties upon glafs, impofed by an act made in the nineteenth year of the reign of his late Majefty, and for granting to his Majefty other rates and duties upon glafs in lieu thereof, and for the better collecting the duties upon glafs; and for repealing the feveral rates and duties charged, by an act made in the twenty-ninth year of the reign of his faid late Majefty, upon all perfons and bodies politick and corporate having certain quantities of fiver plate); certain drawbacks or allowances, in the faid act particularly mentioned, were directed to be paid or allowed to the perfons or their agents exporting the feveral and refpective fpecies of glafs, in the faid act particularly mentioned, to foreign parts by way of merchandize, in the manner, and under the regulations in and by the faid act particularly prefcribed: and whereas great inconvenience has arifen from the regulations prefcribed in that act, for the obtaining the drawbacks or allowances, in the faid act particularly mentioned, on the exportation of fuch glafs to foreign parts by way of merchandize; for remedy whereof, be it enacted by the authority aforefaid, That, from and after the firft day of Auguſt, one thouſand ſeven hundred and eighty-fix, it ſhall be lawful for any perſon or perfons who ſhall have actually paid all his Majeſty's duties, by any act or acts of parliament payable for, or in reſpect of, any quantity of glafs whatſoever made from any of the materials thereby refpectively charged, and to and for any other perſon or perfons who ſhall buy or be lawfully intituled to any ſuch quantity of glafs from the faid perſon or perfons who actually paid his Majeſty's duties for the ſame, to export from any lawful quays, and in the lawful hours, any ſuch glafs, for which all the duties ſhall have been paid, to any foreign parts by way of merchandize, upon the terms, and according to the directions, herein-after mentioned, that is to ſay; the perſon or perfons ſo intending to export any ſuch glafs, ſhall give twelve hours notice within the limits of the chief office of exciſe in London, and twenty-four hours notice in other places in Great Britain, of his, her, or their intention to pack up, in order to be exported, any ſuch glafs, and of the time and place when and where the ſame is intended to be packed up, to the officer or officers of exciſe, who ſhall be appointed for that purpoſe by the refpective commiſſioners of exciſe in England and Scotland; and ſuch officer or officers ſhall attend to ſee ſuch glafs packed up, and the ſame ſhall be packed up in the preſence of ſuch officer or officers, and ſhall be ſecured with ſuch faſtenings, and ſealed with ſuch ſeal or mark, or ſeals or marks, and in ſuch manner, as the ſaid refpective commiſſioners ſhall direct; and if any perſon ſhall open ſuch package, or wilfully deſtroy or deſace ſuch ſeal or mark, or ſeals or marks, (ſave and except the officer of exciſe at the port of exportation, as herein-after mentioned), every perſon ſo offending ſhall forfeit and loſe the ſum of twenty pounds for every ſuch offence, and the officer or officers who ſaw the ſaid glafs packed up ſhall take an account of the kind and quantities of the ſaid glafs ſo intended to be exported,

From Aug. 1, 1786, glaſs may be exported on the conditions herein ſpecified.

Perſons opening packages after being ſealed by the officer, to forfeit 20l.

exported, and make a return thereof to the officer who shall be appointed by such commissioners, or the major part of them, to receive the same at the port of exportation, without any fee or reward for so doing: provided always, That if the person or persons, so intending to pack up such glafs, shall not begin and proceed to pack up the same at the time mentioned in such notice, or within one hour after such time, then such notice shall be void; and such person or persons, so intending to pack up such glafs, shall be obliged to give a fresh notice to such officer or officers, of the time and place when and where such glafs is intended to be packed up in order to be exported; and the person or persons, so intending to export such glafs, shall also give six hours notice of the time and place of shipping such glafs, unto the officer of excise of the place where the same shall be shipped, who shall attend and see the same put on shipboard; and the exporter of the said glafs shall also, before the shipping the same, give sufficient security, to be approved by the respective commissioners of excise, or any one or more of them, or the person appointed by them, or the major part of them respectively, for that purpose, in treble the value of the duty intended to be drawn back, that the particular quantity of glafs so intended to be exported, and every part thereof, shall be shipped and exported, and shall not be unshipped, unloaded, or laid on land, or put on board any other ship or vessel in *Great Britain*, shipwreck, or other unavoidable accident, excepted; which security the officer of excise of the port where the said glafs shall be exported is hereby directed to take, in his Majesty's name, and to his Majesty's use; and the said exporter shall make oath, that he believes the duties upon the materials whereof such glafs is made had been fully paid, and that such glafs is the same that is described in the account sent as aforesaid by the officer in whose presence the same was packed, to the officer attending the shipping (which oath the surveyor or supervisor, or other officer appointed by the said respective commissioners, or the major part of them, for that purpose, is hereby authorized to administer); and the said surveyor or supervisor, or other officer aforesaid, and the officer who attended the shipping the said glafs, being satisfied of the truth thereof, shall, within one month after the exportation of the said glafs, give to the exporter, or his, her, or their clerk or manager, a certificate or debenture, expressing the quantities and kinds of such glafs so shipped, and that all the duties have been paid in respect of the same, and that security hath been given before the shipping the same, for the due exporting the same; and such certificate or debenture being produced to the collector of the port where the said glafs was exported, he shall forthwith pay or allow the persons so exporting the same, or their agent, such drawback or allowance as by the said act, made in the seventeenth year of his present Majesty's reign, is given or allowed upon the exportation to foreign parts, by way of merchandize, of the several and respective species of glafs in the said act mentioned; and if such collector

If packing is not begun in an hour after notice, a fresh notice must be given.

Notice also to be given of the time of shipping,

and security that the glafs shall not be reloaded in Britain, &c.

Certificate to be given by the officer, which is to entitle the exporter to the drawback.

lector shall not have money in his hands to pay the same, then the respective commissioners of excise in *England* or *Scotland* are required to pay the said drawback or allowance out of the duties upon materials used in the making glafs.

Officers may examine packages.

If glafs be re-landed, to be forfeited.

IV. Provided always, That it shall be lawful for the officer attending the shipping such glafs, if he thinks it necessary, to open or examine such glafs at the port of exportation, in order that he may be satisfied that such glafs is the same that is described in the account sent to him by the officer in whose presence the said glafs was packed: provided also, That if after the shipping any such glafs, and the giving such security as aforesaid, in order to obtain a drawback or allowance of the duties before paid in respect thereof, the same glafs, or any part thereof, shall be unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain* (shipwreck, or other unavoidable accident, excepted), that then, and in every such case, over and above the penalty of the bond, which shall be levied and recovered to his Majesty's use, all the said glafs which shall be so unshipped, unladed, or laid on land, or put into any other ship or vessel within *Great Britain* (shipwreck, or other unavoidable accident, excepted), or the value thereof, shall be forfeited, and may be seized by any officer of the customs or excise.

21 Geo. 3. C. 24, recited in part.

V. *And whereas by an act made in the twenty first year of his present Majesty's reign, (intituled, An act for repealing the present duties upon paper, pasteboards, millboards, and scaleboards, made in Great Britain, and for granting other duties in lieu thereof), it was enacted, That the officer attending to charge the duties upon paper, should stamp or mark each and every ream and bundle of paper, by affixing thereon such mark, stamp, impression, or device, as the respective commissioners of excise should direct or appoint for that purpose: and whereas by the said act, a drawback of the duties, by the said act granted, is allowed upon the exportation of paper to any parts beyond the seas by way of merchandize: and whereas also by the said act it is provided, that if, after the shipping of any such paper, and the giving or tendering such security as is by the said act required, in order to obtain the drawback therein mentioned, the same, or any part thereof, should be relanded in any part of Great Britain, that then, and in every such case, over and above the penalty of the bond, which shall be recovered and levied to his Majesty's use, all the said paper which shall be so relanded, or the value thereof, should be forfeited: and whereas it might tend to prevent the relanding such paper in Great Britain, if the marks, stamps, impressions, or devices, denoting the charging the duties upon such paper, were to be taken off from every bundle or ream of paper intended to be exported before the same should be packed up in order to be exported; be it therefore enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-six, it shall be lawful for the officer of excise, who shall attend to see such paper packed up in order to be exported, and he is hereby required to take off, or cause to be*

Stamps denoting payment of duties to be taken off pa-

be taken off, or to see taken off, all and every the marks, stamps, impressions, or devices affixed on every ream or bundle of such paper intended to be packed up in order to be exported, from every ream or bundle of such paper before the same is packed up in order to be exported; and if any person or persons shall wilfully hinder or obstruct such officer in the taking off, or causing to be taken off, any such mark, stamp, or impression, or device, or marks, stamps, impressions, or devices, from any ream or bundle of paper so intended to be packed up in order to be exported, he, she, or they so offending shall, for every such offence, forfeit and lose the sum of fifty pounds.

VI. *And whereas by another act, made in the last session of parliament, (intituled, An act for repealing the duty imposed on tea by an act passed in the last session of parliament, and for granting other duties in lieu thereof; for repealing so much of several acts as relates to the removal of tea; for directing the officers of excise to examine and certify the exportation of exciseable commodities; and for better securing the duties on candles); it was enacted, That every chandler or maker of candles, before he, she, or they should begin to work upon or make any course or making of candles whatsoever, should give to the officer of the division or place where such candles were intended to be made, notice in writing of the particular time and hour when he or she should intend to begin to spread cottons, wicks, or rushes, for any such course or making of candles; and also the hour and time when he or she should intend to begin to run in or dip any such cottons, wicks, or rushes, in such manner as is by the said act directed: and whereas chandlers do sometimes, after having given such notice as by the said act is required, and after beginning to spread cottons, wicks, or rushes, leave off and discontinue for long intervals of time to spread cottons, wicks, or rushes, for the same course or making of candles, and thereby not only harras the officers of excise surveying such chandlers unnecessarily, but also get many opportunities of making candles privately and unknown to such officers, and thereby of defrauding his Majesty of his just duties; for remedy thereof, be it enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-six, when any chandler or maker of candles, after having given such notice as by the said act is required, shall have begun to spread cottons, wicks, or rushes, for any course or making of candles (other than mould candles), such chandler or maker of candles shall proceed and continue, without delay or interruption, to spread all the cottons, wicks, and rushes respectively intended to be used in the same course or making of candles, until he, she, or they shall have finished the spreading of all such cottons, wicks, and rushes respectively; and the hour and time for beginning to run in or dip such cottons, wicks, and rushes respectively, whereof such notice shall be given (as by the said act is required), shall not be more than five hours after the beginning to spread such cottons, wicks, and rushes respectively, whereof such notice shall be given as by the said act is required; and every chandler or maker of candles,*

per on exportation, and persons obstructing officers in taking them off, to forfeit 50l.

25 Geo. 3. c. 74. recited in part.

Chandlers having begun to spread wicks, must proceed till all for the course are finished, and must begin to dip, in five hours after beginning to spread.

and continue to dip till the courfe is finished, on penalty of sol. for failure in either cafe.

candles, from and after the faid first day of *August*, one thousand seven hundred and eighty-fix, shall actually begin to run in or dip such cottons, wicks, and rushes within five hours after he, she, or they shall have begun to spread such cottons, wicks, or rushes, and shall continue to run in or dip such cottons, wicks, and rushes respectively, after he, she, or they shall have so begun to run in or dip, without interruption, until such course or making of candles shall be finished; and if any chandler or maker of candles, after having given such notice as by the said act is required, and after having begun to spread cottons, wicks, or rushes, for any course or making of candles (other than mould candles), shall not proceed and continue, without delay or interruption, to spread all the cottons, wicks, or rushes, intended to be used in that course or making of candles, until he, she, or they shall have finished the spreading of all such cottons; wicks, or rushes, he, she, or they shall have intended to be used, or which shall be used in such course or making of candles, or shall not actually begin to run in or dip such cottons, wicks, and rushes respectively, within five hours after he, she, or they shall have begun to spread cottons, wicks, or rushes, or shall not continue to run in or dip such cottons, wicks, or rushes, after he, she, or they shall have begun to run in or dip such cottons, wicks, or rushes, without interruption, until such course or making of candles shall be finished, every chandler or maker of candles so offending shall, for every such offence, forfeit and lose the sum of fifty pounds.

If notice specifies more than five hours after beginning to spread, from the commencement of dipping, to be void.

VII. And be it further enacted by the authority aforesaid, That if in any such notice, as is by the said act required to be given, the hour or time for beginning to run in or dip any cottons, wicks, or rushes, shall be specified to be more than five hours after the time specified in such notice for beginning to spread cottons, wicks, or rushes, such notice shall be of no effect, but be null and void, to all intents and purposes whatsoever, and the chandler or maker of candles giving the same shall be subject and liable to all the same fines, penalties, and forfeitures, as he, she or they would have been if no notice whatsoever had been given.

Preamble.

VIII. *And whereas many traders, subject to the survey of the officers of excise and inland duties respectively, are severally required, by the laws concerning the duties under the management of the commissioners of excise, to keep just and sufficient scales and weights at the place or places wherein they carry on their respective trades, to be used in taking the account of the stocks of such traders, who are by the said laws respectively required to be aiding and assisting such officers in taking such account: and whereas it frequently happens that evil disposed persons, who are subject to such survey as aforesaid, have frequently hindered and prevented such officers from taking a just and true account of such stock, by concealing heavy or other substances in the commodities belonging to and part of such stock so to be weighed and taken account of by such officers, or by some art, device, or contrivance have prevented and hindered the said officers from taking*

such account by the means aforesaid, although the scales and weights have been in themselves just and sufficient; for remedy whereof, be it enacted by the authority aforesaid, That if, at any time or times after the first day of August, one thousand seven hundred and eighty-six, any trader or traders, subject to the survey of any officer or officers of the excise, or inland duties, and who is or are required, by any law or laws relating to the duties of excise, or other duties under the management of the commissioners of excise, to keep just scales and weights, shall, before or after, or in the weighing of his, her, or their stock, or any part thereof, put or suffer, or cause or procure to be put any other substance into the commodity or stock so to be weighed, whereby such officer or officers might be hindered or prevented from taking a just and true account of such stock, as is directed and prescribed by the several acts of parliament in that case made and provided, or shall forcibly obstruct or hinder, or shall, by any art, device, or contrivance, prevent or impede such officer, or procure or suffer him to be prevented or impeded in taking such just and true account of such stock or commodities as aforesaid, the party offending therein shall, for every such offence, forfeit and lose the sum of one hundred pounds.

IX. And whereas by an act made in the nineteenth year of his present Majesty's reign, (intituled, An act for the more effectual preventing the pernicious practices of smuggling in this kingdom, and for indemnifying persons who have been guilty of offences against the laws of the customs and excise, upon the terms therein mentioned), it was enacted, That in all cases where the officers of customs or excise should discover and find, on board any ship or vessel coming and arriving from foreign parts, within the limits of any of the ports of this kingdom, more than one hundred pounds weight of tea, not being in the ships belonging to or employed by the united company of merchants of England trading to the East Indies, or more than one hundred gallons of foreign brandy, or of other foreign spirituous liquors, over and above the quantity of two gallons for every seaman then belonging to and on board such ship or vessel, and being in casks under sixty gallons, the master, or other person having or taking the charge of such ship or vessel, should forfeit the sum of three hundred pounds; and that it should and might be lawful, in such case, for any officer or officers of the customs or excise, and for all other persons acting in their aid and assistance, and they and each of them was and were thereby authorized to arrest, take, and detain the said master, or other person so having the charge or command of such ship or vessel, and to carry and convey the person so taken before any one of his Majesty's justices of the peace residing near to the place where such ship or vessel should then be, or where such person should be arrested and taken, and the person so carried and conveyed should be obliged to enter into a recognizance, as in the said act is directed: and whereas it has been found by experience, that the single recognizance of the person directed by the said act to enter into the same is ineffectual to answer the good purposes by the said act intended; be it therefore enacted by the authority aforesaid,

That,

Persons using any art to deceive officers in taking the weight of stocks, &c. to forfeit 100l.

Act 19 Geo. 3. c. 69, part recited relative to recognizances to be entered into by masters of ships discovered to have had on board a larger quantity of tea, etc. than is permitted:

such masters to enter into a recognizance with one sufficient security, for 300l. to enter appearance to informations, and refusing so to do, to be imprisoned.

That, from and after the first day of *August*, one thousand seven hundred and eighty-six, every person so carried and conveyed before any one of his Majesty's justices of the peace, according to the directions in the said in part recited clause, shall be obliged to enter into a recognizance to his Majesty, his heirs and successors, before such justice, with one other sufficient surety, to be approved of by such justice, in the sum of three hundred pounds, (which recognizance such justice is hereby required to take), with condition to enter an appearance in the courts of exchequer in *England* and *Scotland* respectively, within the first four days of the term next ensuing such arrest, to any information which shall or may be exhibited against him; and such justice shall and is hereby required forthwith to transmit every such recognizance to the King's remembrancer in such of the said respective courts; and if such person shall refuse to enter into such recognizance as aforesaid, then such justice shall commit such person to the next county gaol, there to remain until he shall enter into such recognizance.

Persons having in possession British spirits, etc. for which the duties have not been paid, forfeit the same and treble the value.

X. And be it further enacted by the authority aforesaid, That if any person or persons shall, after the said first day of *August*, one thousand seven hundred and eighty-six aforesaid, knowingly receive, buy, or have in his, her, or their custody or possession, any *British* spirits, soap, or candles, after the same shall be removed from the respective places where the same were made or manufactured, and where the same ought to have been charged with the duties payable in respect thereof, before the said duty or duties, to which the same shall be liable, have been charged, or before such *British* spirits, soap, or candles, have been lawfully condemned as forfeited, the person or persons offending therein, whether he, she, or they have or have not, or do or do not claim or pretend to have, any property or interest therein, shall, for every such offence, forfeit and lose all such *British* spirits, soap, and candles so received, bought, or had in his, her, or their custody or possession, and treble the value thereof.

Value to be estimated at the price of the best articles of the sort.

XI. And be it further enacted and declared, That the value of such *British* spirits, soap, and candles respectively so forfeited shall, from time to time, be deemed and taken to be according to, and at the rate and rates, price and prices, as the best goods, wares, merchandizes, and commodities of the like sorts, kinds, and denominations, do or shall bear and sell for in *London*, at the time when such penalty shall be incurred.

Proof to be admitted of officers being authorized to act, without producing their particular appointments.

XII. And be it further enacted by the authority aforesaid, That if, upon the trial of any indictment, information, action, suit, or prosecution whatsoever, or in any proceedings relative thereto, any question shall arise, whether any person be an officer of any branch of his Majesty's revenues, or commissioned or deputed to act as such, proof shall and may be made and admitted, that such person was reputed to be or had as such exercised such office, or acted under such commission or deputation, at the respective time and times when the matter or matters in controversy upon such trial or trials, or other proceedings,

ceedings, ſhall happen to have been done or committed, or omitted to have been done or performed, without producing or proving the particular commiſſion, deputation, or other authority whereby ſuch officer was conſtituted and appointed; and that in every ſuch caſe ſuch proof ſhall be deemed and taken, by all judges, juſtices, or commiſſioners, before whom any ſuch trial or proceeding ſhall be had, to be good and legal evidence, unleſs by other evidence the contrary ſhall be made to appear; any law or uſage to the contrary thereof notwithstanding.

XIII. And be it further enacted by the authority aforeſaid, That, from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and eighty-ſix, it ſhall not be lawful for any perſon or perſons whatſoever to commence, proſecute, enter, or file, or cauſe or procure to be commenced, proſecuted, entered, or filed, any action, bill, plaint, or information, or actions, bills, plaints, or informations, in any of his Maſtey's courts, againſt any perſon or perſons, for the recovery of any fine, penalty, or forfeiture, fines, penalties, or forfeitures, made or incurred by virtue of any act or acts now in force, or hereafter to be made, relating to either of his Maſtey's revenues of cuſtoms or exciſe, unleſs the ſame be commenced, proſecuted, entered, or filed, in the name of his Maſtey's attorney general, or in the name or names of ſome officer or officers of ſome or one of his Maſtey's ſaid revenues; and if any action, bill, plaint, or information, actions, bills, plaints, or informations, is or are commenced, proſecuted, entered, or filed, in any other perſon or perſons name or names, than is in that behalf before mentioned, the ſame, and all proceedings thereupon had, are hereby declared to be null and void; and the ſaid court or courts, where ſuch action, bill, plaint, or information, or actions, bills, plaints, or informations, is, are, or ſhall be ſo commenced, proſecuted, entered, or filed, ſhall not permit or ſuffer any proceeding or proceedings to be had thereupon.

Actions for penalties to be filed in the name of the attorney general, or of an officer of the cuſtoms or exciſe, or to be void.

XIV. And be it further enacted by the authority aforeſaid, That in caſe any proſecution ſhall be commenced or depending by any officer or officers of either of his Maſtey's revenues of cuſtoms or exciſe, for the recovery of any fine, penalty, or forfeiture, fines, penalties, or forfeitures, incurred by virtue of any act or acts of parliament now in force, or hereafter to be made, relating to either of his Maſtey's ſaid revenues, it ſhall and may be lawful for his Maſtey's attorney general, in caſe it ſhall appear to his ſatisfaction that ſuch fine, penalty, or forfeiture, or fines, penalties, or forfeitures, was or were incurred without any intention of fraud, to ſtop all further proceedings, by entering a *Noli proſequi*, or otherwiſe, on every ſuch information, as well with reſpect to the ſhare of ſuch forfeiture, fine, penalty, or fines, penalties, or forfeitures, to which any ſuch officer or officers ſhall or may claim to be intitled, as to the ſhare thereof belonging to his Maſtey; any law to the contrary thereof in any wiſe notwithstanding.

Attorney general may enter a noli proſequi in any action for fines.

XV. And whereas the laws already made for the ſecuring the duties

ties of excise imposed on rum or spirits of the growth, produce, or manufacture, of his Majesty's British sugar plantations, imported into the kingdom of Great Britain directly from the said sugar plantations, or any of them, have been found insufficient and ineffectual; for remedy whereof, be it enacted by the authority aforesaid,

Officers, on notice, may enter warehouses, gauge rums, &c. and take samples.

That, from and after the first day of *August*, one thousand seven hundred and eighty-six, it shall and may be lawful for the officers of his Majesty's revenue of excise, or any of them, from time to time, and at all times, by day and by night (and if in the night time, in the presence of a constable or other officer of the peace), upon previous notice for that purpose having been given to any such importer or proprietor, importers or proprietors, or left at his, her, or their dwelling house, or with his, her, or their known agent or servant, usually entrusted with the key of the lock affixed to any such warehouse by such importer or proprietor, importers or proprietors, by the space of one hour, or more, to enter into all and every such warehouses, and by tasting, gauging, or otherwise, to take an account of the quantity and quality of all rum, spirits, strong waters, or other liquors, as shall, at the time of such his or their entry, be found therein; and also to take a sample or samples of all such rum, spirits, strong waters, or other liquors, not exceeding half a pint in the whole, out of each cask or other vessel containing the same, paying, if demanded, at and after the rate of three shillings for each and every gallon of such rum, spirits, or strong waters, and at and after the rate of three shillings for each and every gallon of such other liquors; and in case any such importer or proprietor, importers or proprietors, or any agent, servant, or workmen to him, her, or them belonging, shall, after such notice given as aforesaid, hinder or refuse the said officer or officers to enter into any such warehouse or warehouses to take such account as aforesaid, or shall refuse to permit or suffer any such officer or officers to take any such samples as aforesaid, upon his or their offering to pay for the same as aforesaid, or shall anywise obstruct or hinder him or them in taking such sample or samples, such importer or proprietor, importers or proprietors, shall, for every such offence, forfeit the sum of two hundred pounds.

Persons obstructing the officer, to forfeit 200l.

Warrants may be granted to officers, forcibly to enter warehouses, visited by the proprietors without their knowledge.

XVI. And be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, upon oath made by any credible person or persons, that he, she, or they, have reason to suspect or believe that the proprietor or importer, proprietors or importers, of such rum or spirits lodged and put into any warehouse or warehouses, under the direction and authority of the statute in that case made and provided, or any other person or persons whatsoever, do mean and intend, without the privity, consent, and knowledge of the officer or officers of his Majesty's revenue of excise, within whose district or division such warehouse or warehouses shall be situated, in the night time to enter or go into such warehouse or warehouses, wherein such

rum

rum or fpirits are or fhall be fo lodged and put, or that fuch proprietor or importer, proprietors or importers, or any other perfon or perfons whatfoever, fhall at any time actually be in fuch warehouse or warehouses without the privy and confent of fuch officer or officers as aforefaid, it fhall and may be lawful to and for any one or more of the commiffioners of excife, within the limits of the weekly bills of mortality, or any one or more of the juftices of the peace in any other part of *Great Britain*, (which oath they the faid commiffioners, and juftices of the peace, refpectively, are hereby authorized to adminifter), from time to time, to iffue their refpective warrants, authorizing and requiring any officer or officers of excife (with the affiftance of a conftable, or other peace officer) to enter fuch warehouse and warehouses, by force or otherwife, and that every fuch warrant fhall and may be obeyed and executed accordingly; and if fuch proprietor or importer, proprietors or importers, or other perfon or perfons whatfoever, fhall hinder or refufe the faid officer or officers, or any other perfon or perfons, in his aid or affiftance, from entering fuch warehouse or warehouses, or fhall hinder or obftruct the faid officer or officers in the due execution of the faid warrant, the perfon or perfons offending therein fhall, for every fuch offence, forfeit and lofe the fum of two hundred pounds.

Persons ob-
ftructing offi-
cers to forfeit
200l.

XVII. And be it further enacted by the authority aforefaid, That if, from and after the firft day of *Auguft*, one thoufand feven hundred and eighty-fix, any officer or officers of excife fhall difcover and find in fuch warehouse or warehouses, any increafe of rum or fpirits (other than and except fuch as fhall arife from fuch rum or fpirits as fhall have been imported and landed as aforefaid, and lodged and put into fuch warehouse or warehouses, under the direktion and authority of the ftatutes in that cafe made and provided) over and above the quantity of rum or fpirits which the officer found in fuch warehouse or warehouses at the time of the laft preceding furvey upon fuch warehouse or warehouses, or fhall difcover and find, in fuch warehouse or warehouses, any decreafe of rum or fpirits (other than and except fuch decreafe as fhall arife from fuch rum or fpirits delivered out of fuch warehouse or warehouses, according to the form of the ftatutes in that cafe made and provided, or as fhall arife from leakage or other unavoidable accident) under and below the quantity of rum or fpirits which the officer found in fuch warehouse or warehouses at the time of the laft preceding furvey upon fuch warehouse or warehouses, fuch increafe or decreafe fhall be deemed and taken to have been made by means of the proprietor or importer, proprietors or importers, of fuch rum or fpirits fo imported and landed, and lodged and put into fuch warehouse or warehouses, under the direktion and authority of the ftatute in that cafe made and provided, having by fome means, act, device, or contrivance, opened fuch warehouse or warehouses, not in the prefence of the proper warehouse-keeper, or other officer of excife, whole bufinefs it is to attend with the key to open the fame; and in every

If an unfair
increafe or
decreafe be
found in the
ftock of rum,
&c. in any
warehouse,
the proprietor
to forfeit 500l.

every such case such importer or proprietor, importers or proprietors, shall forfeit and lose, for every such offence, five hundred pounds.

Preamble.

XVIII. And whereas persons who have been guilty of assaulting or obstructing officers of the customs or excise in the due execution of their offices, or of rescuing, or attempting to rescue, goods seized by such officers, or of offences against the laws respecting quarantine, being prosecuted for the same by indictment or information in his Majesty's court of king's bench, do frequently escape punishment by reason that such persons have not been usually put under any recognizance to answer such indictment or information, unless in cases where some specific pecuniary penalty is imposed, or where the offence having been committed in the county of Middlesex, an indictment for the same has been originally found in the said court of king's bench; for remedy thereof, be it further enacted by the authority aforesaid;

Persons assaulting officers, &c. or attempting to rescue prohibited goods, to be bound with two sureties to appear to informations,

That whenever any person or persons shall be charged with assaulting or obstructing any officer or officers of the customs or excise, in the due execution of his or their office or offices, or any person or persons acting in his or their aid or assistance, or with rescuing, or attempting to rescue by force any uncaptured or prohibited goods, after seizure thereof by such officer or officers, or with any offence against any law respecting quarantine, and the same shall be made appear to any judge of his Majesty's court of king's bench, by affidavit or by certificate of an indictment or information being filed against such person or persons in the said court for such offence, it shall and may be lawful for such judge to issue his warrant in writing under his hand and seal, and thereby to cause such person or persons to be apprehended and brought before him, or some other judge of the said court, or before some one of his Majesty's justices of the peace, in order to his, her, or their being bound to the King's majesty with two sufficient sureties in such sum as in the said warrant shall be expressed, with condition to appear in the said court at the time mentioned in such warrant, and to answer to all and singular indictments or informations for any the offences aforesaid; and in case such person or persons shall neglect or refuse to become bound as aforesaid, it shall be lawful for such judge, or justice of the peace respectively, to commit such person or persons to the common gaol of the county, city, or place, where the offence shall have been committed, or where he, she, or they shall have been apprehended, until he, she, or they shall have become bound as aforesaid, or shall be discharged by order of the said court of king's bench in term time, or by one of the judges of the said court in vacation; and the recognizance or recognizances to be taken thereupon shall be returned and filed in the said court, and shall continue in force until such person or persons shall have been acquitted of such offence, or in case of conviction, shall have received judgement for the same, unless sooner ordered by the said court to be discharged.

and refusing to become bound, to be imprisoned.

Penalties and forfeitures

XIX. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall

shall be sued for, recovered, levied, or mitigated, by such ways, means or methods, as any fine, penalty or forfeiture, may be sued for, recovered, levied or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them who shall inform, discover, or sue for the same.

XX. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing by him or them done in pursuance of this act, such action or suit shall be commenced within one month next after the matter or thing done, and shall be laid in the proper county, and the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

C A P. LXXVIII.

An act for better securing the duties on paper printed, painted, or stained, in Great Britain.

WHEREAS, notwithstanding the laws already made for securing the duties on paper, printed, painted, or stained, in Great Britain, to serve for hangings and other uses, many frauds are frequently practised, to the great loss of the revenue, and to the injury of the fair trader, by evil minded and indigent persons, who are encouraged in their evil practices by the length of time allowed by law for the payment of those duties, and for the want of some further regulations: and whereas, by an act of parliament passed in the tenth year of the reign of queen Anne, intituled, An act for laying several duties upon all soap and paper made in Great Britain, or imported into the same; and upon chequered and striped linens printed; and upon certain silks, callicoes, linens, and stuffs printed, painted, or stained; and upon several kinds of stamped vellum, parchment, and paper; and upon certain printed papers, pamphlets, and advertisements, for raising the sum of eighteen hundred thousand pounds, by way of a lottery, towards her Majesty's supply; and for licensing an additional number of hackney chairs; and for charging certain stocks of cards and dice; and for better securing her Majesty's duties to arise in the office for the stamp duties by licences for marriages, and otherwise; and for relief of persons who have not claimed their lottery tickets in due time, or have lost exchequer bills or

Preamble.
10 Annæ, c.
19, recited in
part;

lottery tickets; and for borrowing money upon stock, part of the capital of the *South Sea* company, for the use of the publick; it was, among other things, enacted, That from and after the four and twentieth day of June, one thousand seven hundred and twelve, during the continuance of the duties upon paper, all and every person and persons who should print, paint, or stain any paper in Great Britain should, once in every six weeks, make a true entry in writing at the next office for the said duties upon paper, of all the paper by him, her, or them severally made fit for use within such six weeks respectively; and that all and every person and persons who should print, paint, or stain any paper in Great Britain, should from time to time, within six weeks after he, she, or they should make, or ought to have made such entry as aforesaid, pay and clear off all the said duties for all such paper as should by them respectively be printed, painted, or stained, so as to be fit for use or sale: and whereas the allowing so long a time for the making the entries, and for the paying the duties as aforesaid, hath been found prejudicial to the revenue; for remedy thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *September*, one thousand seven hundred and eighty-six, so much of the said act as requires any printer, painter, or stainer of paper, to make such entries, once in every six weeks, of all paper by him, her, or them printed, painted, or stained, within such six weeks, or to pay and clear off all duties for the same within six weeks after he, she, or they should make, or ought to have made, such entries as aforesaid, shall be repealed, save only and except in all cases relating to the recovering any arrears, which may at that time remain unpaid of the said duties, or to any penalty or forfeiture which shall have been incurred upon, or at any time before the said first day of *September*, one thousand seven hundred and eighty-six.

and from
Sept. 1, 1786,
so much as
relates to
paper stainers,
&c. making
entries once
in six weeks
of all paper
stained, etc.
to be repealed.

From Sept. 1,
1786, entries
to be made
every fort-
night of all
paper stained,
etc. on penal-
ty of 50l.

II. And be it further enacted by the authority aforesaid, That, from and after the said first day of *September*, one thousand seven hundred and eighty-six, all and every person and persons, who shall print, paint, or stain any paper in *Great Britain*, to serve for hangings or other uses, shall, once in every fortnight, make a true entry in writing at the next office for the said duties, of all the paper by him, her, or them printed, painted, or stained, within such fortnight respectively, which entries shall contain the just kinds and quantities thereof respectively, on pain to forfeit, for every neglect of such entry, the sum of fifty pounds; which entries shall be made upon oath (or, in case of a Quaker, upon solemn affirmation) of the printer, painter, or stainer of such paper, or of his, her, or their chief workman or servant employed in the printing, painting, or staining such paper, according to the best of his, her, or their knowledge or belief; which oaths or affirmations shall and may be administered by the proper collector, supervisor, or surveyor of the said duties of the district or division within which

such

such printer, painter, or ftainer of paper doth inhabit, without any fee or charge for the fame.

III. And be it further enacted, That all and every perfon and perfons, who fhall print, paint, or ftain any paper in *Great Britain*, fhall, from time to time, within a fortnight after he, ſhe, or they fhall have made, or ought to have made, ſuch entry as aforeſaid, pay and clear off all the duties for all ſuch paper as fhall by them reſpectively be printed, painted, or ftained, upon pain of forfeiting, for every default therein, double the ſum of the ſaid duty whereof the payment fhall be fo neglected; and that no ſuch perſon, after ſuch default in payment made, fhall ſell, deliver, or carry out, any ſuch printed, painted, or ftained paper, until he or ſhe hath paid and cleared off his or her duty as aforeſaid, upon pain to forfeit double the value of the goods ſo ſold, delivered, or carried out.

Duties to be paid within a fortnight after ſuch entries made, on penalty of forfeiting double the duties.

If goods are delivered before the duties are paid, double their value to be forfeited.

IV. *And whereas divers printers, painters, or ftainers of paper, have large quantities of paper now in their poſſeſſion, which has been taken account of, but is not charged with the duties; and as it may be very inconvenient for ſuch printers, painters, or ftainers of paper, to pay all ſuch duties within a fortnight after this act takes place; be it enacted by the authority aforeſaid, That every printer, painter, or ftainer of paper, for hangings or other uſes, who, on the firſt day of September, one thouſand ſeven hundred and eighty-fix, ſhall have any paper in his poſſeſſion which has been taken account of, and which is not already charged with the duties, ſhall produce the ſame to the officer appointed to take an account of and charge the duties thereon, and the ſame ſhall be meaſured, marked, and charged with the duties; and the ſaid printer, painter, or ftainer, ſhall pay the duties for the ſame within ſix months after the ſaid charge ſhall be ſo made; or if the ſaid paper, or any part thereof, ſhall be finiſhed in leſs time, then ſuch printer, painter, or ftainer, ſhall pay the duties for the ſaid paper, or any part thereof, within one fortnight after the ſame ſhall be ſo finiſhed reſpectively.*

The duties on ſtock at Sept. 1, 1786, to be paid for in 6 months, or in a fortnight after any parts thereof are finiſhed.

V. *And whereas by a certain other act of parliament, paſſed in the firſt year of the reign of King George the Firſt, intituled, An act for charging and continuing the duties on malt, mum, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and ſixteen; and for compelling ſeveral receivers to finiſh and clear their accounts; and for making duplicates of exchequer bills, lottery tickets, and orders, loſt, burnt, or deſtroyed; and for enlarging the time for adjusting claims to certain benefit tickets; and for allowing the charge of executing the lottery act, for the ſervice of the year one thouſand ſeven hundred and ten; and for recovering monies of ſeveral land taxes, reſting in the hands of collectors or conſtables at *Saint Albans*; and for preventing frauds in the duties upon ſope; and for limiting a time for perſons who have certain annuities for life or lives, to demand the payments thereupon at the exchequer; and for preventing frauds in the duties relating to*

Act 1 Geo. 1. c. 36, recited in part.

printed and painted paper, calicoes, and other things therein mentioned; it was, among other things, enacted, That before any paper should be printed, painted, or stained, the officers for the duties thereon should be permitted to take accounts of the quantities and dimensions of all paper for printing, painting, or staining, which, at any time or times, should be in the custody or possession of any such printer, painter, or stainer, and upon taking such account thereof, should mark or stamp every sheet and piece thereof with a stamp or seal, provided as by the said act is directed: and whereas the stamping every sheet of paper, in cases where many sheets of paper are afterwards joined together in one piece, in order to be printed, painted, or stained, is found insufficient to secure the duties on such paper, and it is necessary that some further additional mark or stamp should be put on every such piece of paper, or sheet of paper, where a single sheet shall be printed, painted, or stained; be it further enacted by the authority aforesaid, That, from and after the said first day of September, one thousand seven hundred and eighty-six, every printer, painter, or stainer of paper, in Great Britain, to serve for hangings and other uses, before he, she, or they shall print, paint, or stain, any piece of paper, or any sheet of paper, where a single sheet of paper shall be printed, painted, or stained, shall produce and shew such piece of paper, or such sheet of paper, to the proper officer for the said duties, and such officer shall take an account thereof; and in case such officer finds that every sheet thereof is marked or stamped as by the aforesaid act is required, he shall measure the same, and mark such piece of paper, or such sheet of paper, where a single sheet shall be printed, painted, or stained, at both ends thereof, with a frame mark, denoting the measure thereof, and with such other number or mark as the commissioners for the said duties shall direct; and in case any printer, painter, or stainer of paper, shall begin to print, paint, or stain any piece of paper, or any sheet of paper, where a single sheet of paper shall be printed, painted, or stained, before the same shall have been measured and marked at both ends thereof by the officer for the said duties, as by this act is directed, every such piece or sheet of paper shall be forfeited, and may be seized by any officer for the said duties, and the printer, painter, or stainer, in whose possession the same shall be found, shall also forfeit the sum of twenty pounds for every such piece of paper or sheet of paper so printed, painted, or stained, without having been measured and marked as aforesaid.

VI. *And, to the end that paper printed, painted, or stained, and already charged with the duties thereon, may not be improperly seized,* be it further enacted by the authority aforesaid, That at any time before the first day of January, one thousand seven hundred and eighty-seven, any printer, painter, or stainer of paper, or any dealer in printed, painted, or stained paper, may give two days notice to the proper officer for the said duties, that he desires to have such printed, painted, or stained paper, which has been already charged with the said duties before the first day of September, one thousand seven hundred and eighty-six, to be marked

From Sept. 1, 1786, if paper be begun to be stained, &c. before measured and marked, to be forfeited, and 20l. penalty incurred for every piece.

Paper for which the duties shall have been charged before Sept. 1, 1786, may be stamped before Jan. 1, 1787;

marked and stamped according to the directions of this act; and such officer, having received such notice as aforesaid, shall attend, and in case he shall find that every sheet of such paper is marked or stamped as by the said former acts is required, he shall stamp or seal every piece of such paper so already charged with the said duties, and every sheet, where a single sheet is printed, painted, or stained, at both ends thereof, with such stamp or seal as is by this act directed to be used, to denote that the duties have been charged thereupon, or with such other stamp or seal as the commissioners for the said duties shall direct to be used; and from and after the said first day of *January*, one thousand seven hundred and eighty-seven, every piece of paper printed, painted, or stained, and every sheet of such paper, where a single sheet shall be printed, painted, or stained, that shall be found in the possession of any printer, painter, or stainer of any paper, or of any dealer therein, shall be deemed to have been printed, painted, or stained after the said first day of *September*, one thousand seven hundred and eighty-six; and in case the same shall not be stamped and sealed at both ends thereof, as by this act is directed, the same shall be forfeited, and may be seized by any officer of the excise or for the said duties.

and after Jan. 1, 1787, every single sheet found in the possession of a dealer to be deemed to have been stained after Sept. 1, 1786, and seizable if not stamp.

VII. And be it further enacted by the authority aforesaid, That, from and after the first day of *January*, one thousand seven hundred and eighty-seven, no person shall be intitled to any drawback of the duties upon paper printed, painted, or stained in *Great Britain*, upon the exportation of any such paper printed, painted, or stained, before the said first day of *September*, one thousand seven hundred and eighty-six, that shall not have such stamp or seal at both ends thereof, as is herein-before lastly directed, any thing in this act to the contrary notwithstanding.

After Jan. 1, 1787, no drawback to be allowed on paper stained before Sept. 1, 1786, unless duly stamp.

VIII. And whereas printers, painters, or stainers of paper may frequently have occasion to cut pieces of paper, printed, painted or stained, into remnants or parts for samples, or for other purposes, be it enacted by the authority aforesaid, That when any printer, painter, or stainer of paper shall be desirous of cutting any piece or pieces of paper, printed, painted, or stained, into remnants or parts, such printer, painter, or stainer, shall give six hours notice to the proper officer for the said duties, and such officer shall attend and see the frame marks and stamps put, as herein-before directed, at both ends of every such piece of paper, cut off every such piece or pieces of paper; and after having seen such piece or pieces of paper cut into remnants or parts, shall stamp or mark every such remnant or part, at each end thereof, with such stamps or marks as the commissioners for the said duties shall from time to time direct, which stamps or marks the commissioners for the said duties are hereby authorized to provide for that purpose.

Pieces cut for samples must be marked by the officer on every sample.

IX. And whereas divers printers, painters, or stainers of paper do frequently obtain long delays of charging the duties upon paper by them printed, painted, or stained, upon pretence that they intend to add

Duties to be charged, etc. as soon as paper is stained,

and sol. penalty to be incurred for every piece of paper removed before stamp, with forfeiture of the paper.

Officers to charge the duties for paper missing.

Paper not charged with the duties to be kept separate, on penalty of sol.

Persons fraudulently concealing paper to forfeit tool.

Some other colour or some other figure to the same, and that the same is not finished, which delays are detrimental to the revenue; for remedy thereof, be it enacted by the authority aforesaid, That, from and after the said first day of *September*, one thousand seven hundred and eighty-six, as soon as any paper shall be printed, painted, or stained with any colour, or with any figure, the officer for the said duties shall take an account of the same, and shall charge the duties for the same, and shall stamp or seal every piece of such paper, or every sheet, where any single sheet shall be printed, painted, or stained, at both ends of every such piece or sheet, with a stamp or seal, to denote that the duties have been charged thereon; and if any printer, painter, or stainer of paper shall remove, carry, or send away, or suffer to be removed, carried, or sent away, any piece or sheet of printed, painted, or stained paper, before the same shall have been taken account of, and stamped or sealed at both ends thereof by the officer, to denote the charging the said duties, every such printer, painter, or stainer of paper shall forfeit, for every such offence, the sum of fifty pounds, and all such printed, painted, or stained paper, so removed without being stamped or sealed by the officer, to denote the charging the said duties, and being found in the possession of any dealer in printed, painted, or stained paper shall be forfeited, and may be seized by any officer for the said duties.

X. *And, for the better prevention of frauds,* be it further enacted, That in case any officer or officers for the said duties on paper printed, painted, or stained, shall miss any quantity or quantities of such paper whereof he had taken an account, and marked the same with a frame mark, and shall not, upon reasonable demand, receive satisfaction what is become of the same, then, and in such case, it shall and may be lawful for such officer to charge such printer, painter, or stainer of paper with the duties of such paper so missing, as if the same were actually printed, painted, or stained.

XI. And be it further enacted by the authority aforesaid, That every printer, painter, or stainer of any such paper as aforesaid, shall, from time to time, keep all the paper by him, her, or them respectively printed, painted, or stained, and which shall not have been stamped and charged by the proper officer for the said duties, separate and apart from all other printed, painted, or stained paper which shall have been stamped and charged by such officer, on pain to forfeit, for every offence therein, the sum of fifty pounds.

XII. And be it further enacted by the authority aforesaid, That if any printer, painter, or stainer of paper, shall fraudulently hide or conceal, or cause to be hid or concealed, any printed, painted, or stained paper, or any paper marked for printing, painting, or staining, with intent to defraud his Majesty of his just duties thereon, then, and in every such case, the party so offending shall forfeit the sum of one hundred pounds for every such offence.

XIII. And

XIII. And be it further enacted by the authority aforesaid, That the commissioners for the said duties shall, on or before the said first day of *September*, one thousand seven hundred and eighty-six, provide proper frames, and such other numbers or marks as they shall think fit, to denote the measure of all pieces or sheets of paper, printed, painted, or stained, and proper stamps or seals to denote the charging the duties thereon; and shall cause the said respective frames, numbers, and marks, and the said stamps and seals to be distributed to the respective officers for the several purposes before-mentioned; which officers are hereby enjoined and required in using the same to do no hurt or damage, or the least damage that may be, to the paper to be so marked or stamped; and the said frames, numbers, and marks, and the said stamps or seals, to be provided in pursuance of this act, and also the said marks or stamps provided in pursuance of the said former act, may be altered or renewed, from time to time, as the said commissioners shall from time to time think fit; and if any person whatsoever shall at any time counterfeit or forge any frame, number, or mark, used by the officers for the said duties in marking such paper, or shall counterfeit or forge the impression of the same, upon any paper to be printed, painted, or stained, every person so offending shall forfeit and lose the sum of one hundred pounds; and if any person whatsoever shall at any time counterfeit or forge any stamp or seal, to resemble any stamp or seal which shall be provided in pursuance of this act, to denote the charging the duties on paper printed, painted, or stained, in *Great Britain*, or shall counterfeit or resemble the impression of the same, upon any paper printed, painted, or stained, thereby to defraud his Majesty, his heirs or successors, of the duties on such paper printed, painted, or stained, then every person so offending, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy; and in case any person shall at any time sell any such printed, painted, or stained paper, with a counterfeit stamp thereon, knowing the same to be counterfeited, and with an intent to defraud his Majesty, his heirs or successors, every such offender shall, for every such offence, forfeit and lose the sum of one hundred pounds.

Commissioners to provide proper marks, etc.;

and the officers in using them to do the least possible damage to the paper.

Penalty on forging marks, &c.

XIV. And be it further enacted by the authority aforesaid, That if, at any time after the said first day of *September*, one thousand seven hundred and eighty-six, any printer, painter, or stainer of paper, shall wilfully cut out, obliterate or deface, or wilfully suffer to be cut out, obliterated or defaced, the frame mark, number, or mark put by the officer on any piece or sheet of paper, to denote the measure thereof, every such printer, painter, or stainer of paper shall forfeit the sum of fifty pounds for every piece of paper, or sheet of paper, on which the frame mark, number, or mark put by the officer, shall be so wilfully cut out, obliterated, or defaced.

Persons obligating marks, to forfeit sol.

XV. And be it further enacted by the authority aforesaid,

E c c 4

That

Persons affixing marks already used, to forfeit 50l. and the paper.

That if at any time after the faid firft day of *September*, one thousand feven hundred and eighty-fix, any printer, painter, or ftainer of paper fhall, by any means or contrivance, with intent to defraud his Majefty of his juft duties, affix upon any piece of paper, or fhheet of paper, printed, painted, or ftained, any frame mark, or any ftamp or feal which fhall have been before affixed on any other piece of paper, or fhheet of paper, printed, painted, or ftained, then, and in every fuch cafe, every perfon fo offending fhall, for every fuch offence, forfeit and lofe the fum of fifty pounds, and alfo every piece or fhheet of fuch paper, whereupon fuch frame mark, ftamp, or feal, fhall be fo fraudulently affixed.

Persons keeping paper in any place, of which notice has not been given to the officer, to forfeit 50l. and the paper.

XVI. And be it further enacted by the authority aforefaid, That no printer, painter, or ftainer of paper, fhall keep any paper printed, painted, or ftained, or to be printed, painted, or ftained, marked with a frame mark denoting the meafure thereof, or with a ftamp or feal denoting the charging the duties thereon, or unmarked with either fuch frame mark, or fuch ftamp, in any warehouse, room, or place, whereof no notice fhall have been given to the officer for the faid duties on paper printed, painted, or ftained; and if any fuch paper printed, painted, or ftained, or to be printed, painted, or ftained, whether marked with a frame mark or unmarked, or ftamped or unftamped, fhall be found in the poffeffion of any printer, painter, or ftainer of paper, in any warehouse, room or place, whereof no notice fhall have been given to the officer for the faid duties, then, and in every fuch cafe, the party fo offending fhall forfeit the fum of fifty pounds for every fuch offence, and all fuch paper fo found fhall be forfeited, and may be feized by any officer for the faid duties.

Warrants may be granted to fearch for paper fufpected not to be duly ftamped, which may be feized,

XVII. And be it further enacted by the authority aforefaid, That at any time or times, upon oath made by any credible perfon or perfons, that he, fhe, or they have reafon to fufpect or believe, that any paper printed, painted, or ftained in *Great Britain*, after the faid firft day of *September*, one thousand feven hundred and eighty-fix, for which a duty ought to have been paid or charged, or which ought to have been ftamped, as by this act is directed, is or fhall be in the cuftody or poffeffion of any printer, painter, or ftainer of paper, or other perfon trading or dealing therein, or of any perfon or perfons, for the ufe or account of fuch printer, painter, or ftainer, or other trader or dealer in printed, painted, or ftained paper for fale, without having thereupon fuch ftamps or feals as are by this act required to denote the charging the duties thereupon, it fhall and may be lawful for the commiffioners of the faid duties in *England* or *Scotland* refpectively, or any two of them, within their refpective limits, or for any one juftice of the peace in any other parts of *Great Britain*, from time to time, to iffue their refpective warrants or orders, thereby authorizing and requiring any officer or officers for the faid duties, with the affiftance of a conftable or other officer of the peace, in the day time, to fearch for the fame, and to open doors, chefts, trunks, and packages, and to

feize

feize fuch paper, printed, painted, or ftained, after the laid firft day of *September*, one thoufand feven hundred and eighty-fix, and not having fuch ftamps or feals thereon as are by this act required, and to bring the fame to the excife office next to the place where the fame fhall be feized, and that every fuch warrant fhall be obeyed and executed accordingly; and fuch paper, printed, painted, or ftained, after the laid firft day of *September*, one thoufand feven hundred and eighty-fix, fo found unftamped, in the poffeffion of fuch printer, painter, or ftainer, or other trader or dealer, for fale, or in the poffeffion of any other perfon for the ufe of fuch printer, painter, or ftainer, trader or dealer, for fale, fhall be forfeited: provided always, that no remnant of any piece of fuch printed, painted, or ftained paper, being of lefs length than fhall be expreffed by the frame mark thereon, being found in the poffeffion of fuch printer, painter, or ftainer of paper, or trader or dealer therein, having fuch ftamp or feal, as by this act is required, at one end thereof, fhall be forfeited, by reafon of not having fuch ftamps or feals at both ends thereof; and if any perfon or perfons fhall obftrect or hinder any of the aforefaid officers from entering any fuch place or places for the purpofes aforefaid, or in feizing or carrying away any paper, by this act declared to be forfeited, every perfon or perfons fo offending fhall forfeit and pay the fum of fifty pounds.

but no remnant of a piece of lefs length than the frame mark to be forfeited, for not having ftamps at both ends. Persons obftrecting officers, &c. forfeit 50l.

XVIII. *And, for the better preventing of frauds, by the lengthening or adding to any piece, or remnant of a piece, of fuch printed, painted, or ftained paper, after fuch piece of paper fhall have been ftamped or fealed at both ends thereof, as by this act is required; be it further enacted by the authority aforefaid, That if, at any time after the laid firft day of September, one thoufand feven hundred and eighty-fix, any piece, or remnant of a piece of paper, printed, painted, or ftained, after the laid firft day of September, one thoufand feven hundred and eighty-fix, not having fuch frame mark and ftamp thereon as is by this act required, or having fuch frame mark and ftamp at one end thereof only, and being of as great or greater length than fhall be expreffed by fuch frame mark, or having fuch frame mark and ftamp at both ends thereof, and being of greater length than fhall be expreffed by fuch frame mark by the length of half a yard, or more, fhall be found in the poffeffion of any printer, painter, or ftainer of paper, or trader or dealer therein, every fuch piece of paper or remnant fhall be forfeited, and may be feized by any officer for the laid duties, and the printer, painter, or ftainer of paper, or trader or dealer therein, in whole poffeffion the fame fhall be found, fhall alfo forfeit and lofe the fum of fifty pounds.*

Paper not having the frame mark, or being marked at one end only, etc. to be forfeited, and alfo 50l.

XIX. *And, in order more effectually to prevent any frauds by fhipping for exportation to foreign parts, any fuch printed, painted, or ftained paper, and obtaining a drawback of the duties payable for the fame, and afterwards relanding and felling the fame for home confumption, be it further enacted by the authority aforefaid, That, from and after the laid firft day of September, one thoufand feven hundred and eighty-fix, whenever any perfon fhall be defirous*

If paper ftained before Sept. 1, 1786, is exported,

of

oath to be made of the fact.

of packing up, in order to be exported to foreign parts, by way of merchandize, any paper printed, painted, or stained, before the said first day of *September*, one thousand seven hundred and eighty-six, in *Great Britain*, to serve for hangings and other uses, and not having such stamps or seals denoting the charging the said duties, and such frame marks denoting the measure thereof, at both ends of every piece of such paper, or of every sheet of such paper, where any single sheet is printed, painted, or stained, as are by this act required, such person, or his clerk or manager, shall make oath (or, being a Quaker, affirmation) before the surveyor or supervisor, or other officer of excise, appointed by the commissioners of excise, or the major part of them, for that purpose (who is hereby authorized and required to administer the same), that all and every such piece and pieces, or sheet or sheets of paper were printed, painted, or stained in *Great Britain*, before the said first day of *September*, one thousand seven hundred and eighty-six; and such officer or officers shall not permit to be packed up in order to be exported, any piece of paper, or any sheet of paper, printed, painted, or stained in *Great Britain*, after the said first day of *September*, one thousand seven hundred and eighty-six, not having the stamps or seals directed by this act denoting the charging the said duties, and also the frame marks denoting the measure thereof, distinct and plain at both ends of every such piece of paper, or sheet of paper, where a single sheet shall be printed, painted, or stained; and the officer or officers who shall attend to see such paper, so printed, painted, or stained, after the said first day of *September*, one thousand seven hundred and eighty-six, packed up, shall take care to measure the said paper, and to see that the stamps or seals directed by this act denoting the charging of the duties thereupon, and also the frame marks denoting the measure thereof, are cut off from both ends of every piece of such paper, or every sheet of such paper, where a single sheet shall be printed, painted, or stained, before the same are packed up.

No paper stained after Sept. 1, 1786, to be permitted to be packed for exportation, unless legally marked, &c.

Officer to measure paper exported, and cut off the marks, &c.

How fines are to be recovered and applied.

XX. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, shall be sued for, recovered, levied, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture may be sued for, recovered, levied, or mitigated, by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*, respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs or successors, and the other moiety to him or them who shall inform, discover, or sue for the same.

Limitation of actions.

XXI. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons, for any thing by him, her, or them done in pursuance of this act, such action or suit shall be commenced within three months next after the matter or thing done, and shall be laid in the proper county; and the defendant

or

or defendants, in such action or suit, may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon; and if afterwards a verdict shall pass for the defendant or defendants, or if the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her, or their action or prosecution, or judgement shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against such plaintiff or plaintiffs.

General issue.
Treble costs.

C A P. LXXIX.

An act to explain, amend, and render more effectual, an act, made in the last session of parliament, intituled, An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise, and the commissioners of stamps, respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred; and for making certain provisions respecting oaths to be administered by the commissioners for the duties on houses, and windows or lights, or any other duties put under their management.

WHEREAS an act was made in the twenty-fourth year of his present Majesty's reign, intituled, An act for granting to his Majesty certain duties on horses kept for the purpose of riding, and on horses used in drawing certain carriages, in respect whereof any duty of excise is made payable; and also another act was passed in the twenty-fifth year of his present Majesty's reign, intituled, An act for transferring the receipt and management of certain duties therein mentioned from the commissioners of excise; and the commissioners of stamps, respectively, to the commissioners for the affairs of taxes; and also for making further provisions in respect to the said duties so transferred; it is by the said first recited act enacted, That every person who shall keep or use any horse, mare, or gelding, for the purpose of riding, shall yield and pay annually for every such horse, mare, or gelding, the sum of ten shillings: and whereas it is reasonable that persons in circumstances herein-after described shall not be charged with the said duty by the said first-recited act imposed: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of April, one thousand seven hundred and eighty-six, no person or persons who shall keep any horse, mare, or gelding, which shall be used truly, and without fraud, for the purpose of husbandry, or of drawing any carriage (except such as was heretofore liable to any excise duty), or carrying burdens in the course of the trade or occupation of the person or persons to whom such horse, mare, or gelding shall belong, shall, in respect thereof, be chargeable with the duty by the said herein-before first recited act

Preamble.

Act 24 Geo.

3. c. 31; and

act 25 Geo.

3. c. 47,
recited.

From April 5, 1786, no horse kept for husbandry, or for carriage of burdens in the course of the trade of the proprietor, to be chargeable with the duty

imposed by the 1st recited act, if only rode in cases herein specified.

act imposed, or be construed to be within the intent and meaning of the said first recited act, in case such horse, mare, or gelding, shall not be used for any other purpose of riding, save and except in manner herein-after mentioned; that is to say, When returning from any place to which any load or burthen shall have, by such horse, mare, or gelding, been drawn or carried, or in going to any place from whence any load or burthen shall be to be brought back by any such horse, mare, or gelding, or on account of such horse, mare, or gelding having been used for the purpose of riding to procure medical assistance, or for the purpose of riding to or from market, or to or from any place of publick worship, or to or from any election of members to serve in parliament, or to or from any court of justice, or to or from any meeting of the commissioners of taxes; any thing in the said recited act contained to the contrary notwithstanding.

No tax to be levied for horses kept by persons exempted from the poor's rates.

II. And be it further enacted, That no duty shall be imposed, assessed, or levied, by virtue of the said first recited act, for or in respect of any horse, mare, or gelding, whereof the owner or owners, by reason of his, her, or their poverty, is, are, or shall be exempted from the actual payment of the usual taxes, assessments, and contributions, raised, levied, and paid towards the church and poor.

Clause of last recited act, exempting occupiers of farms of not more than 150l. per ann. from tax for horses rode to market or church only, repealed.

III. *And whereas, by the said recited act of the twenty-fifth year of his present Majesty's reign, it is enacted, That the assessments made under the authority of that act should be made for all horses whatsoever which shall, on any occasion whatsoever, be used for the purpose of riding, or in drawing any carriage (then subject to any excise duty); and it is provided, that upon any appeal, where proof should be made upon oath that such horse, for which any person, occupying a farm not worth more than one hundred and fifty pounds per annum, should have been so assessed, had been only used for the purpose of riding to or from market, or church, or other place of publick worship, and to no other place, or for no other purpose of riding, it might be lawful for the commissioners to make an abatement of the whole duty from the charge against the person to whom such horse shall belong; be it therefore further enacted, That the said recited clause and proviso shall be, and the same is hereby repealed.*

Persons occupying farms of less than 70l. per ann. not chargeable with duty for horses used in husbandry, and only rode occasionally.

IV. And be it further enacted, That no person occupying a farm, the rent or value of which shall be less than seventy pounds a year, and making a livelihood solely thereby, shall be chargeable with the duty by the said before recited act imposed for or on account of any horse, mare, or gelding, being occasionally used in riding; provided such horse, mare, or gelding, be *bona fide* kept and usually employed for the purposes of husbandry; any thing in the said recited act to the contrary notwithstanding.

V. *And whereas several persons may have, unintentionally, omitted to take, in due form and manner, the several oaths required by the several acts of parliament relative to the duties on houses, and windows or lights, or any other duties put under the management of the commissioners*

commissioners for the said duties on houses, and windows or lights: and whereas in some of the said acts there is no express provision made for the administering the oaths thereby required: be it therefore further enacted, That all and every person and persons, lawfully qualified to act as commissioner or commissioners for the said duties on houses, and windows or lights, who have already acted, or, on or before the first day of *October*, one thousand seven hundred and eighty-six, shall act in the execution of any act or acts of parliament relative to the said duties on houses, and windows or lights, or any other duties now placed under the management of the commissioners for the said duties on houses, and windows or lights, although such person or persons may not have taken the several oaths so required to be taken by such person or persons, shall be, and he and they is and are hereby indemnified from any penalty or penalties incurred by reason of such omissions; and all meetings and acts of the said commissioners which have been, or shall have been on or before the said first day of *October*, one thousand seven hundred and eighty-six, had or done pursuant in all other respects to the said acts respectively, shall be, and are hereby declared to be valid and effectual to all intents and purposes.

Persons legally qualified, who shall act as commissioners for the duties on houses, &c. before Oct. 1, 1786, indemnified from penalties for not having taken the oaths required.

VI. And be it further enacted, That all and every the oath or oaths, required by the said acts relative to the duties on houses, and windows or lights, or any other duties put under the management of the said commissioners for the duties on houses, and windows or lights, or any of them, or which may be requisite or necessary for carrying the said acts, or any of them, into execution, shall and may be administered by any two or more of the commissioners within each county, city, or place respectively, and they are hereby authorized to administer the same.

Two commissioners may administer oaths.

VII. And it is hereby declared and enacted, That it shall and may be lawful for any two or more of the commissioners for the duties on houses, and windows or lights, or any other duties put under their management, to administer to any other commissioner for the said duties, for the same county, city, or place, the oaths required to be taken by such commissioners, although the said commissioners administering the same have not themselves previously taken the said oaths.

Two commissioners may administer the oaths to other commissioners, though they should not have taken them themselves.

C A P. LXXX.

An act for further continuing certain acts therein mentioned, relating to the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; and to the preventing the committing of frauds by bankrupts.

WHEREAS an act was made in the nineteenth year of the reign of his late Majesty, (intituled, An act for the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; and for indemnifying offenders against those laws, upon the terms therein mentioned; and for relief

19 Geo. 2. c. 34. recited; and so much thereof as relates to per-

sons going armed or disguised, in defiance of the laws of customs and excise, and to the relief of officers in informations to be continued till Sept. 29, 1788.

relief of officers of the customs in informations upon seizures), which was to continue in force for seven years, and from thence to the end of the then next session of parliament; and which, by several acts of the twenty-sixth and thirty-second years of the reign of his said late Majesty, and the fourth, eleventh, and eighteenth years of the reign of his present Majesty, as to so much thereof as relates to persons going armed or disguised, in defiance of the laws of customs and excise, and to the relief of officers of the customs in informations upon seizures, was continued until the twenty-ninth day of September, one thousand seven hundred and eighty-five, and from thence to the end of the then next session of parliament: and whereas it is expedient further to continue the same; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said act of the nineteenth year of the reign of his late Majesty, as relates to persons going armed or disguised, in defiance of the laws of customs and excise; and to the relief of officers of the customs in informations upon seizures, and all and every the methods, orders, directions, rules, proclamations, penalties, punishments, rewards, matters, and things, provided, settled, ordered, directed, imposed, given, and required, by the said act of the nineteenth of his said late Majesty, relative to the surrender, proclaiming, apprehending, harbouring, and punishing such offenders, shall be, and the same is hereby further continued until the twenty-ninth day of September, one thousand seven hundred and eighty-eight, and from thence to the end of the then next session of parliament.

II. And whereas it is expedient also to continue the law herein-mentioned, be it therefore further enacted by the authority aforesaid, That an act, made in the fifth year of the reign of his late majesty King George the Second, (intituled, *An act to prevent the committing of frauds by bankrupts*), which was to continue in force from the twenty-fourth day of June, one thousand seven hundred and thirty-two, for the space of three years, and from thence to the end of the then next session of parliament; and which, by several subsequent acts, made in the ninth and sixteenth years of his said Majesty's reign, was further continued until the twenty-ninth day of September, one thousand seven hundred and fifty; and by an act, made in the twenty-fourth year of the reign of his said late Majesty, was amended, and further continued until the first day of September, one thousand seven hundred and fifty-seven; and which, by several subsequent acts, made in the thirty-first year of his said late Majesty's reign, and the fourth year of the reign of his present Majesty, was further continued until the twenty-ninth day of September, one thousand seven hundred and seventy-one; and which by an act, made in the twelfth year of his present Majesty's reign, was amended, and further continued until the twenty-ninth day of September, one thousand seven hundred and seventy-five, and from thence to the end of the then next session of parliament; and

5 Geo. 2. c. 30, continued till Sept. 29, 1788.

and by another act, made in the sixteenth year of his present Majesty's reign, was further continued until the twenty-ninth day of *September*, one thousand seven hundred and eighty, and from thence to the end of the then next session of parliament; and by another act, made in the twenty-first year of his present Majesty's reign, was further continued until the twenty-ninth day of *September*, one thousand seven hundred and eighty-five, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued until the twenty-ninth day of *September*, one thousand seven hundred eighty-eight, and from thence to the end of the then next session of parliament.

C A P. LXXXI.

An act for the more effectual encouragement of the British fisheries.

WHEREAS it is of the utmost importance to the preservation and increase of the wealth, commerce, and naval strength, of this your Majesty's kingdom of Great Britain, that the fisheries of your said kingdom should receive every reasonable encouragement which they may from time to time be found to require, and which it is in the power of parliament to bestow: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *June*, one thousand seven hundred and eighty-seven, for the space and term of seven years thence next ensuing, and from thence to the end of the then next session of parliament, a bounty of twenty shillings *per* ton shall be paid annually, in the manner herein-after prescribed, to the owner or owners of every decked vessel, of not less than fifteen tons burthen, manned and navigated according to law, which shall be fitted out for, and employed in the *British* white herring fishery, in the manner and under the regulations herein-after directed and provided.

II. And be it further enacted, That every bus or vessel, in order to be deemed properly fitted out for and duly employed in the said fishery, so as to entitle the owner or owners thereof to the said bounty of twenty shillings *per* ton hereby granted, according to the true intent and meaning of this act, shall be a decked bus or vessel built in *Great Britain*, after the first day of *January*, one thousand seven hundred and eighty, and shall have on board, (barrelled up in new barrels) twelve bushels of salt for every last of fish which such bus or vessel is capable of containing, and as many more new barrels as such bus or vessel is capable of carrying, and also two hundred and fifty square yards of netting for each ton of bus measurement, together with the customary quantity of other materials for the equipment and mounting of the said two hundred and fifty yards of netting in the fishery business, but with liberty to make use of such nets therein

Preamble.
From June 1, 1787, an annual bounty of 20s. per ton granted for 7 years, to owners of ships of 15 tons and upwards, employed in the white herring fishery.

Particulars required to entitle vessels to the bounty.

therein as shall be found best adapted to the said fishery; and shall have on board not less than five men for the first fifteen tons, and one additional man for every five tons by which such bufs or vessel shall exceed fifteen tons, and so stored, accoutered, furnished, and manned, shall clear out of some port in *Great Britain*, at some time between the first day of *June* and the first day of *October* in one and the same year, and shall proceed immediately upon the said fishery, and shall there begin and continue to fish, in an orderly, regular manner, without impeding or obstructing any other vessel which shall be employed in the said fishery, for the space of three months at the least, to be computed from the day upon which the master and crew of such bufs or vessel shall first shoot or wet their nets, unless such bufs or vessel shall, within that space of time, return into port with a full cargo of fish, taken wholly by the master and crew of such bufs or vessel.

No vessel to be entitled to the bounty, unless it proceeds on the fishery directly from the port to which it belongs, &c.

III. Provided always, and be it further enacted, That no person or persons shall be intitled or allowed to receive the bounty herein-before granted, for any bufs or vessel which shall not proceed directly upon the said fishery from that part of the united kingdom to which such bufs or vessel shall belong, and where the owner or owners, or any one or more of the owners of such bufs or vessel shall reside; and that the master and owner or owners of such bufs or vessel shall take out a licence, to proceed on her intended voyage, from the collector or comptroller of the port where such bufs or vessel was *bona fide* manned, victualled, furnished, accoutered, and fitted out for her then intended voyage; any thing in this act, or any law, custom, or usage, to the contrary notwithstanding.

Officers of the customs to examine vessels, and certify particulars to the commissioners.

IV. Provided also, and be it further enacted, That before any such bufs or vessel shall proceed on such voyage, or be intitled to the benefit of this act, such bufs or vessel shall be visited by such officer or officers of the customs belonging to the port where such bufs or vessel shall be cleared outwards, as shall be appointed by the commissioners of the customs for that purpose; which officer or officers shall examine such bufs or vessel, and take an account of the tonnage thereof by admeasurement, and shall certify to the said commissioners such his or their visitation, examination, and admeasurement, and that such bufs or vessel hath on board (as the fact may be) such a quantity of fishing nets, and other stores to be used in the said fishery, as herein-before mentioned, and is otherwise a proper vessel to be employed in the said fishery; and thereupon, in case the owner or owners, or one or more of the owners, or his or their respective agent or agents, and also the master or chief officer of such ship or vessel, shall make oath, in writing, before the collector or comptroller of such port (who is hereby empowered and required to take and administer the same), to be subscribed to the said certificate, that it is really and truly their firm purpose and determined resolution, that such bufs or vessel, as then manned, furnished, and accoutered, shall proceed

Oath to be made of the vessel's being to proceed immediately on the fishery,

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immediately upon the *British* white herring fishery, there to continue fishing, in an orderly, regular manner, for the space of three calendar months at the least (unless such bus or vessel shall sooner obtain a full lading of fish), without impeding or obstructing any other vessel which shall be employed in the said fishery; and if, after such certificate had, and oath made, such owner or owners, or some or one of such owners, or his or their respective agent or agents, and also the master or chief officer of such bus or vessel, shall also become bound, with two sufficient sureties, unto his Majesty, his heirs and successors, in the penalty of such sum as shall be equal to treble the bounty on the tonnage of such bus or vessel intended by this act, (which bond the collector, with the approbation of the comptroller, is hereby required to accept, and is to be in force for the space of three years against the parties thereby becoming bound for the faithful dealing of the said master and his crew, in regard to the said bus or vessel, and voyage), then, and in such case, it shall and may be lawful for the collector and comptroller of such port to give and grant, and they are hereby required to give and grant, to the owner or owners and master of such bus or vessel, full licence and authority to proceed on such voyage as aforesaid.

and security given for the faithful conduct of the crew,

which is to intitle them to licences for the voyage.

V. And be it further enacted, That on the return of any such bus or vessel into any port of *Great Britain* for the discharge of such bus or vessel, the chief officer of the customs, or such other officer of the customs as he shall appoint at such port, shall immediately repair on board of such bus or vessel, and view the condition thereof, and of its lading, and certify the same, together with his observations thereon, and also the real tonnage of such bus or vessel, and the names of the master and other persons on board; and the master or chief officer of such bus or vessel shall also make oath before the collector or comptroller of such port (who is hereby impowered and required to administer the same), to be written on the back of, or annexed to, the licence granted as aforesaid (which the said master is hereby required to deliver up), that such bus or vessel did, without delay, proceed from the port in such licence mentioned, upon its last clearance from thence outwards, to or upon the *British* white herring fishery, and did there remain and continue employed in fishing for herrings or other fish, according to law, from the day of to the day of (expressing the respective days of beginning and ceasing to fish); and that, during all that time the quantity of nets and other stores, and number of men, by law required, were on board of the said bus or vessel or employed in the lawful prosecution of the said fishery, and that the said bus or vessel hath not, since its said last clearance outwards from the said port, been on any other voyage, or pursued any other design or view of profit than that of taking fish, and salting or curing the same, or salting or curing other fresh fish, lawfully purchased at sea; and that all the fish brought into

Officers of the customs, on the return of a ship, to certify her condition,

and oath to be made that she has answered to the terms required;

which certificate, with the licence, etc. are to be transmitted to the commissioners, who are to order the bounty to be paid.

port by the said bus or vessel were taken by the crew belonging thereto, or (in case of such bus or vessel not returning till after the expiration of three months) were purchased of *British* subjects; which certificate, licence, and oath, together with an account of the fish taken by the said bus or vessel, shall be transmitted by the said collector or comptroller, in case the said bus or vessel departed with such licence from any port within that part of *Great Britain* called *England*, to the commissioners of the customs for *England*; and in case such bus or vessel departed with such licence from any port within that part of *Great Britain* called *Scotland*, to the commissioners of the customs or excise for *Scotland*: and such commissioners respectively, being fully satisfied of the faithful dealing of the master, and other persons employed or concerned in such bus or vessel, with respect to such voyage and fishing, shall, on demand, cause payment to be made to the owner or owners, or to his or their assigns, by the receiver-general of the customs or excise, as the case shall happen, the sum of twenty shillings *per* ton, according to the admeasurement of such bus or vessel, duly certified as aforesaid.

Vessels returning with less than the proper number of men, or without a full cargo, not to be entitled to bounty.

VI. Provided always, and be it further enacted, That the owner or owners of any bus or vessel which shall return into port from the said fishery with a less number of men than such bus or vessel is hereby required to have on board, as aforesaid, unless it shall be made appear that the said reduction was occasioned by death, sickness, or desertion, without any default, fraud, or collusion, on the part of such owner or owners, or which shall so return within the said space of three calendar months, to be computed as aforesaid, without a full cargo of herrings, or, having such a full cargo, unless the whole thereof were actually caught and taken by the master and crew belonging to such bus or vessel, shall not be intitled to any bounty on the tonnage of any such bus or vessel respectively; any thing in this act contained to the contrary thereof notwithstanding.

Bounties to be paid by the receiver-general of the customs, etc.

VII. And be it further enacted, That it shall and may be lawful to and for the commissioners of his Majesty's customs in *England* and *Scotland* respectively, to order the said bounty to be paid by the receiver-general or cashier of the customs for that part of *Great Britain* from whence the bus or vessel, in respect whereof the same shall be payable, shall have departed, as herein-before directed, out of any money in the hands of such receiver-general or cashier, arising from any duties, revenues, or customs, under the management of such respective commissioners; and if the receiver-general or cashier of the customs at *Edinburgh* shall not have sufficient money in his hands to pay the said bounty, the commissioners of his Majesty's customs at *Edinburgh*, or any three of them, shall forthwith give the person or persons, intitled to receive such bounty, a certificate thereof, directed to the commissioners of the excise for that part of *Great Britain* called *Scotland*; which certificate being affixed to the said licence, and other the certificates and documents aforesaid, and being

being produced to the faid commissioners of excife, they the faid commissioners are hereby authorized and required, on demand, to caufe the money, fo certified to be due, to be paid by the receiver-general or cashier of the faid excife, out of any moneey in his hands arifing from any of the duties and revenue under the management of fuch commissioners; any law, ufage, or custom, to the contrary notwithstanding.

VIII. And be it further enacted, That, from and after the faid firft day of *June*, one thousand feven hundred and eighty-feven, for and during the term of feven years, and from thence to the end of the then next feffion of parliament, for every barrel of herrings twice packed and completely cured, which fhall, during any one year, be landed from any bus or vefsel, the owner or owners of which, in refpect thereof, fhall be intitled to the aforefaid bounty of twenty fhillings *per* ton, under and by virtue of this act, there fhall be paid a bounty of four fhillings.

IX. Provided always, and be it enacted, That if the number of barrels of herrings imported by any fuch bus or vefsel fhall, in any one year, exceed the proportion of two barrels and the half of one barrel of herrings packed and cured as aforefaid for every ton of the burthen of fuch bus or vefsel, then and in fuch cafe there fhall be paid, for every barrel fo exceeding the faid proportion, a bounty of one fhilling only, and no more.

X. Provided alfo, and be it further enacted, That, for the more effectual prevention of fraud, all herrings, the proprietor or proprietors of which, in refpect thereof, fhall be intitled to, or claim the faid bounties of four fhillings and one fhilling, or either of them, fhall be computed at the time of their being unshipped, while they are in the ftate in which they are ufually denominated *Sea Steeks* or herrings not repacked, and that four barrels of herrings in that ftate fhall be confidered as equivalent to three barrels of herrings packed a fecond time.

XI. And whereas the faid bounties of four fhillings, and one fhilling, herein-before granted, will afford encouragement to thofe fisheries alone that are carried on either by decked veffels fitted out under fuch regulations, and continuing at fea for fuch time as herein-before refpectively mentioned and directed, or by fuch open boats as are employed on the fame coafts with thofe veffels, and find in the mafters of fuch veffels purchafers of the fish they take; and inasmuch as it is reasonable and expedient, that all induftrious fifhermen engaged in the herring fishery, fhould in fome meafure participate in all fuch encouragements as parliament fhall give to the faid fishery; be it therefore enacted, That for all herrings which fhall be landed from any boat or vefsel, not intitled to the faid bounty of twenty fhillings *per* ton, and which fhall afterwards be properly falted and cured, there fhall be paid a bounty of one fhilling *per* barrel.

XII. And be it further enacted, That before any bounty granted by this act, fhall be paid to the perfons intitled to receive the fame, every cask or package of herrings on which the faid

For every barrel of herrings twice packed and completely cured, a bounty of 4s. to be paid.

but if the quantity imported exceeds the proportion of two and one half barrels to a ton, or 17 1/2 rs. per barrel above that proportion. Quantity to be computed while in the ftate of fea steeks, 4 barrels of which are to be deemed equal to 3 of herrings twice packed.

To boats, not intitled to the bounty of 20s. per ton, a bounty of 1s. per barrel to be paid.

Casks containing herrings intitled to bounty, to be branded.

said bounty shall be demanded, shall be branded, in the sight of the officer of the customs, with an hot iron, in such legible and lasting marks or characters as the commissioners of the customs shall direct, and as may effectually distinguish the casks or packages containing herrings landed from buffes or vessels intituled to the said bounty on the tonnage thereof, from such as contain herrings landed from boats or vessels not intituled to such bounty on the tonnage.

Bounties of
4s. and 1s.
per barrel to
be paid as the
bounty of 20s.
per ton.

XIII. And be it further enacted, That the said several and respective bounties of four shillings, and one shilling, for every barrel of herrings imported by any such bus, vessel, or boat respectively, as aforesaid, shall be paid and payable by such and the same person or persons and in such and the same manner as the said bounty of twenty shillings *per ton* shall be paid or payable by and under, and by virtue and according to the true intent and meaning of this act, upon a debenture or certificate to be prepared and granted by the collector or comptroller of the customs in the port where the fish, in respect whereof the said bounty shall be payable, shall be entered, and to be verified by the person executing the office of searcher in such port.

To vessels employed in The Deep Sea Fishery, additional premiums to be paid, viz. for the greatest quantity of herrings imported in one vessel, between June 1, and Nov. 31, 80 guineas;

for the next greatest quantity, 60;

for the next, 40;

for the next, 20.

XIV. *And, for the encouragement of the fishery usually called The Deep Sea Fishery, on the north and north-east coasts of this kingdom*; be it enacted, That from and after the said first day of *June*, one thousand seven hundred and eighty-seven, for the space of seven years, and from thence to the end of the then next session of parliament, over and besides the several bounties herein-before granted, there shall be payable and paid the several premiums or sums following; (that is to say), For the greatest quantity of herrings which shall be caught by the crew of any one bus or vessel, the owner or owners whereof, in respect of such bus or vessel, shall be intituled to the said several bounties of twenty shillings *per ton*, and four shillings, and one shilling *per barrel*, herein-before granted, respectively, and which shall be imported or brought in, by such bus or vessel, between the first day of *June* and the thirty-first day of *November*, in any one year, the premium or sum of eighty guineas; and for the next greatest quantity of herrings, which shall be so caught, imported, and brought in as aforesaid, the premium or sum of sixty guineas; and for the next greatest quantity of herrings which shall be so caught, imported, and brought in as aforesaid, the premium or sum of forty guineas; and for the next greatest quantity of herrings which shall be so caught, imported, and brought in as aforesaid, the premium or sum of twenty guineas; each of which said several premiums or sums shall be payable and paid at any time or times after the thirty-first day of *November* in every year, by such and the same person, and in such and the same manner, as the said bounty of twenty shillings *per ton* upon the bus or vessel, the owner or owners whereof in respect of such ship or vessel shall be intituled to such premium or sum, shall be paid or payable under or by virtue and according to the true intent and meaning of this act,

upon

upon a debenture or certificate to be prepared and granted by the collector or comptroller of the customs in the port where the fish in respect whereof the same shall be payable shall be entered, and to be verified by the person executing the office of searcher in such port.

XV. *And whereas it is highly expedient, as well for the purpose of encouraging the fisheries by an extension of the market, as for that of providing a cheap and wholesome article of food for the support of the poor, that all duties now payable by law on such herrings, cod, ling, and salmon, or other fish caught and cured by British subjects, as are removed for home consumption, except as herein-after is mentioned, should cease and determine; be it therefore enacted, That, from and after the said first day of June, one thousand seven hundred and eighty-seven, all duties, now payable by virtue of any act or acts heretofore made, and now in force, for or in respect of such herrings, cod, ling, hake, and salmon, or other white fish, caught and cured by British subjects, as shall be removed for home consumption (save only and except such equalizing duties as are by this act expressly granted or directed to be continued on salmon, cod, ling, hake, tusk, and other white fish, cured with salt for which the duty hath been paid, and which shall be imported into England from Scotland), shall cease and determine.*

Duties now payable on fish caught and cured for home consumption to cease on June 1, 1787.

XVI. *And whereas, by an act passed in the fifth year of the reign of his late majesty King George the First, intituled, An act for recovering the credit of the British fishery in foreign parts, and better securing the duties on salt, the several bounties, rates, or sums therein and herein-after expressed, were granted and made payable for all such fish therein and herein-after mentioned, as should be exported from any port or place in Great Britain, into parts beyond the seas; (that is to say), For every hundred of cod fish, ling, or hake, except dried cod fish, ling, or hake, (commonly called Haberdine), which should contain in length fourteen inches or upwards, from the bone in the fin to the third joint in the tail, five shillings; and for every hundred weight of dried cod fish, ling, or hake, (commonly called Haberdine), three shillings: and whereas the distinction between the dried cod called Haberdine, and dried cod not so called, is found to be useless, inasmuch as little less than the whole quantity of dried cod exported, during the last thirty years, hath been shipped as haberdine, and as it also appears that the value of cod in some of the foreign markets is much diminished by that degree of dryness, which gives it the denomination of haberdine; be it therefore further enacted, That, from and after the passing of this act, for all such dried cod, ling, or hake, as under and by virtue of the said act, of the fifth year of the reign of his said late majesty King George the First, or any subsequent act or acts, would (in case this act had not been made) have been intitled to the said bounty of five shillings per hundred thereby granted, there shall be payable and paid the rate or sum of three shillings per hundred weight, in such and the same manner, in every respect, as the*

5 Geo. I. c. 18, recited.

For such fish as heretofore would have been intitled to 5s. per hundred weight on exportation, no more than 3s. to be paid.

faid bounty, rate, or fum of three fhillings by the faid act granted for every hundred weight of dried cod fifh, ling, or hake, commonly called *Haberdine*, is or fhall be payable by force or virtue thereof; and the faid bounty of five fhillings *per* hundred fhall henceforth be difcontinued and repealed, and be no longer paid or payable; any thing in the faid act of the fifth year of the reign of his faid late majefly King *George* the Firft, or any other act or acts, to the contrary notwithstanding.

If after Oct. 1, 1786, fifh be packed in casks, not branded with the curers names, to be forfeited.

XVII. And be it further enacted, That on all barrels and casks in which any fifh whatsoever (except fresh fifh) fhall, from and after the firft day of *October*, one thousand feven hundred and eighty-fix, be packed or put up, either for exportation or home confumption, the refpective names of the curers of fuch fifh fhall be marked and burnt with iron, in fair, large, legible, conspicuous and permanent characters; and that every barrel or cask in which any fifh (except fresh fifh) fhall, from and after the time aforefaid, be packed or put up, and which fhall not have the name of the curer thereof marked and burnt as aforefaid, fhall and may be feized and fecured, by any officer or officers of his Majesty's customs; and upon due proof of the fact being made, on oath, before any one of his Majesty's juftices of the peace, every fuch barrel or cask fhall, together with the fifh therein contained, be forfeited and loft.

After June 1, 1787, the ftaves of barrels in which white herrings are packed for exportation muft be half an inch thick, and full bound, or forfeited.

XVIII. And be it further enacted, That the ftaves of every barrel, in which any white herrings or wet white fifh fhall, from and after the faid firft day of *June*, one thousand feven hundred and eighty-feven, be packed or put up for exportation, fhall not be of a lefs thicknefs at the bulge than half an inch, and that every fuch barrel fhall be full bound, and that every barrel in which fuch fifh fhall be fo packed or put up, and which fhall be found to be of lefs thicknefs than as aforefaid, or not full bound, fhall and may be feized and fecured by any officer or officers of his Majesty's customs; and upon due proof of the fact being made, on oath, before any one of his Majesty's juftices of the peace, fhall, together with the fifh therein contained, be forfeited and loft.

Persons who have ferved as feamen or fifhermen 7 years in the fifheries, entitled to the privileges granted by 22 Geo. 2. c. 44.

XIX. And, for the better encouragement of the fifheries, be it further enacted, That every perfon who fhall, for the fpace of feven fucceffive years, have followed the occupation of a feaman or fifherman, on board of any fhip or vefel employed in the fifheries of *Great Britain*, (being a married man), may fet up and exercife any fuch trade as he is apt and able for, in any town or place within the kingdom of *Great Britain*, without any let, fuit, or moleftation of any perfon or perfons whomfoever, for or by reafon of the ufing of fuch trade, as freely, and with the fame provifions, and under the fame regulations, and with the like exception in refpect to the two univerfities of that part of *Great Britain* called *England*, as any mariner or foldier may do, by virtue of an act paffed in the twenty-fecond year of the reign of his late majefly King *George* the Second, intituled,

An

An act to enable fuch officers, mariners, and fouldiers, as have been in his Majesty's fervice fince his acceffion to the throne, to exercife trades.

XX. And be it further enacted, That, from and after the paffing of this act, it fhall and may be lawful to and for any perfon or perfons to carry, from any port or place in the united kingdom of *Great Britain*, to any other port or place in the faid united kingdom, for home confumption, any red herrings or white herrings, or any falmon, cod, ling, tusk, or other white fifh, cured with falt, made in any part of *Great Britain*.

XXI. And whereas the falt, ufed in the cure of falmon, cod, ling, bake, tusk, and other white fifh, taken on the coafts of this kingdom, and removed for home confumption, (fave only for the cure of ling and bake, taken by the crews of veffels employed in the white herring fifbery during their continuance at fea), is fubject to the payment of the falt duties; and, by reafon fuch duties are confiderably lefs in Scotland than in England, it is juft and neceffary that a duty fhould be paid upon the importation into England, for home confumption, of cod, ling, bake, falmon, and other white fifh, cured in Scotland with home-made falt, for which the duties payable in Scotland for home-made falt have been there paid or fecured, in order to make the faid duties payable in Scotland on home-made falt ufed in the curing of fuch fifh, equal to the duties payable on home-made falt ufed in England in the cure of fuch fifh for home confumption; be it therefore further enacted, That the feveral rates and duties, which by an act made in the twenty-ninth year of the reign of his late majesty King *George the Second*, intituled, *An act for encouraging the fifheries in that part of Great Britain called Scotland*, are made payable on the importation into England, of falmon, cod, ling, tusk, and other white fifh, cured with falt made in Scotland, for which the duty hath been there paid or fecured, fhall be continued, and the fame or the like rates and duties fhall, from and after the paffing of this act, be extended to, and fhall be paid and payable for, all falmon, cod, ling, hake, tusk, and other white fifh, brought from Scotland into any port or place in England for home confumption, cured in Scotland with falt made in any part of *Great Britain*, for which the duty hath been paid or fecured; and that the feveral provifions, regulations, and reftrictions, in the faid act contained or thereby prefcribed, for the entry and clearance of fuch falmon, cod, ling, hake, tusk, and other white fifh, cured with falt made in Scotland, and for the importation and removal thereof, and for the payment and fecuring the duties thereby granted in refpect thereof, and the feveral penalties thereby inflicted for any breach, difobedience, or non-obfervance of the faid provifions and regulations, fhall be obferved, performed, and enforced, in refpect to the rates and duties hereby granted, in the fame manner as if the fame were here repeated and re-enacted, any thing herein-before contained to the contrary notwithftanding.

XXII. And be it further enacted, That, from and after the paffing of this act, the

Fifh cured with Britifh falt may be exported from one port to another in the united kingdom for home confumption.

Duties payable by 29 Geo. 2. c. 23. on the importation of fifh cured with falt made in Scotland, to be extended to imported fifh cured with falt made in any part of Great Britain, and the regulations of that act extended to this.

one port to another in Britain for exportation, on oath being made that they were caught in Britain, and cured with home-made falt.

passing of this act, it shall and may be lawful to and for any person or persons to carry from any port or place in the said united kingdom of *Great Britain*, to any other port or place in the said united kingdom, for exportation to foreign parts, any red herrings or white herrings, or any salmon, cod, ling, tusk, or other white fish, the owner of the fish, or master of the vessel, making oath before the chief officer of the customs, or his deputy (who is hereby required to administer the same), that such fish were caught in *Great Britain*, or on the coast thereof, and cured with salt delivered duty-free from some part of the said united kingdom of *Great Britain*, and when and where, and to whom the said salt was so delivered.

Fish so brought coastwise for exportation to be entitled to the bounties of 5 Geo. I. c. 18, and to be subject to the regulations thereof.

XXIII. And be it further enacted, That, from and after the passing of this act, all such red herrings, white herrings, salmon, cod, ling, tusk, or other white fish, so brought or conveyed coastwise from one port or place of the said united kingdom of *Great Britain* to another, shall, upon exportation thereof, or any part thereof, to foreign parts, be intitled to the same allowances or bounties as by the said act, passed in the fifth year of the reign of his late majesty King *George* the First, are granted on the exportation of fish cured in *Great Britain*, such fish being subject to the same rules and regulations to prevent the relanding or reimporting thereof, after clearance outwards for exportation to foreign parts, and the owner or owners thereof being subject to the same penalties in case of such relanding, or any other fraudulent proceeding, in order to obtain the said bounties, as by the said act are prescribed or inflicted in regard to fish cured and exported from *Great Britain*, any thing in the same, or any other act contained to the contrary thereof in any wise notwithstanding.

Bounties on exportation of fish carried from England to Scotland, to be paid by the customs in England, on debenture from the officer at the port of exportation.

XXIV. Provided always, and be it further enacted, That no allowance or bounty upon such exportation to foreign parts as aforesaid, of any red herrings, white herrings, salmon, cod, ling, tusk, or other white fish, so brought or carried coastwise from any port or place in that part of *Great Britain* called *England*, to any port or place in that part of *Great Britain* called *Scotland*, shall be paid in that part of *Great Britain* called *Scotland*; but that the chief officer of the customs, or his deputy, at the port or place from which such fish shall be so exported to foreign parts, shall, upon the request of the person or persons exporting the same, and oath made before the said chief officer or his deputy (who are hereby respectively empowered to administer the same) of the shipping of the said fish, and its not being relanded, or intended to be relanded, in *Great Britain*, give a debenture under his hand, without delay, fee, or reward, for payment of the said allowances or bounties; which debenture being produced to the commissioners of the customs, in that part of *Great Britain* called *England*, shall entitle the exporter of such fish, or his assigns, to the payment of the allowances or bounties granted by the said recited act of the fifth year of King *George* the First; and the said commissioners are hereby required

required to pay the fame out of any money remaining in their hands, arifing by any branch of his Majesty's customs, regard being had to the priority of the dates of the faid debentures in the payment thereof.

XXV. Provided always, and be it further enacted, That no allowance or bounty upon fuch re-exportation as aforefaid, of any red herrings, white herrings, falmon, cod, ling, tusk, or other white fifh, fo carried coaftwife from any port or place in that part of *Great Britain* called *Scotland*, to any port or place in that part of *Great Britain* called *England*, fhall be paid in that part of *Great Britain* called *England*; but that the chief officer of the customs, or his deputy, at the port or place from which fuch fifh fhall be fo exported to foreign parts, fhall, upon the request of the perfon or perfons exporting the fame, and oath made before the faid chief officer or his deputy, (who are hereby refpectively empowered to adminifter the fame), of the fhipping of the faid fifh, and its not being relanded, or intended to be relanded in *Great Britain*, give a debenture under his hand, without delay, fee, or reward, for payment of the faid allowances or bounties; which debenture being produced to the commiffioners of the customs, or to the commiffioners of the excife, (at the option of the importer, or his affigns), in that part of *Great Britain* called *Scotland*, fhall entitle the exporter of fuch fifh, or his affigns, to the payment of the allowances or bounties granted by the faid recited act of the fifth year of King *George* the Firft; and the faid commiffioners are hereby required to pay the fame out of any money remaining in their hands, arifing by any branch of his Majesty's customs or excife, regard being had to the priority of the dates of the faid debentures in the payment thereof.

Bounties on exportation of fifh carried from *Scotland* to *England*, to be paid in *Scotland*, on debenture of the officer at the port of exportation.

XXVI. Provided alfo, and be it further enacted, That the proprietor or proprietors, of fuch red herrings, white herrings, falmon, cod, ling, tusk, or other white fifh, as fhall be put on board of any fhip or vefel in any port or place in *Great Britain*, to be transported or carried to any other port or place in *Great Britain*, whether for home confumption, or exportation to foreign parts, or his or their refpective agent or agents, fhall, before fuch fhip or vefel fhall depart from the port or place where the fame fhall be fo fhipped, make a full and particular entry with the collector, or other principal officer of the customs at fuch port or place, or his deputy, of the fifh fo fhipped, expreffing the number of barrels of wet fifh, with the marks and numbers thereof, and the number and weight of each fpecies of dry fifh, and declare upon oath that the faid fifh were cured in *Great Britain*, or on the coaft thereof, and whether they were cured with falt delivered duty-free, or with falt for which the duty payable by law hath been paid or fecured, and that the falt used in curing fuch wet or dry fifh refpectively was taken on board from fome port or place in *Great Britain*, and when and where it was fo taken on board, and that no drawback for the fame hath been had, or is intended to be had, upon

Entry to be made, at the port of fhipping, of the quantity, etc. where cured, &c.

Officers of the customs to grant certificate of such entry, which is to be delivered by the master previous to his landing the fish, on penalty of forfeiture thereof, etc.

upon the exportation of the said salt, (which oath the said collector, or other principal officer of the customs, or his deputy, is hereby authorized to administer); and is likewise required to grant and deliver to the master of such ship or vessel, without delay, fee, or reward, a certificate or cocquet under his hand, that such entry or entries, and oath or oaths, have been duly made; and the master of every ship or vessel wherein such fish shall be shipped to be carried coastwise as aforesaid, or the proprietor or proprietors of such fish, or his or their respective agent or agents, shall, before landing or putting on shore the said fish, or any part thereof, or putting it on board of any other ship or boat in any port or place of *Great Britain*, deliver the said certificate or cocquet to the proper officer of the customs in the port or place where the same shall be imported, brought in, or landed, or put on board of any other ship or boat, upon pain of forfeiting all such fish as shall be so imported, brought in, or landed, or put on board of any other ship or boat, contrary to the true intent and meaning of this act, and also double the value thereof, together with all the casks or vessels in which such fish shall be found, the same to be recovered of the importer or proprietor of the fish, or of the master of the ship or vessel in which the same shall be imported and brought in; and all officers, as well of his Majesty's customs, as of the duties upon salt, are hereby authorized and empowered to seize all such red herrings, white herrings, salmon, cod, ling, tusk, or other white fish, imported, brought in, landed, or put on board of any other ship or boat, contrary to the true intent and meaning of this act, and also the casks or vessels in which any such fish shall be found as aforesaid.

Recital of part of 5 Geo. I. c. 18.

XXVII. *And whereas, by the said recited act of the fifth year of the reign of King George the First, it is enacted, That curers of fish should thenceforth be allowed to take from any salt works, or salt pits, any such quantity of British salt, where the same was allowed by law for the curing of fish for exportation, as they should think proper for curing of fish for foreign markets, without paying any duty to his Majesty for the same, such British salt being taken from the said salt pits, or salt works, and weighed, in the presence of an officer for the duties on salt, and lodged in a warehouse, under the lock and key of the said officer, as well as the proprietor of the said salt, which British salt, so lodged as aforesaid, should remain in the custody of the said officer, jointly with the said proprietor, during the several intervals of the several fishing seasons; the proprietor or proprietors, or his or their agent or agents, entering, at the next office for the duty on salt, the quantity of British salt so lodged by him or them, from time to time as aforesaid, and the said officer keeping an account of every quantity of the said salt so entered and lodged in his custody as aforesaid; such salt to be delivered to the proprietor or proprietors thereof, or his or their agent or agents, for the purposes, and upon the terms and conditions, and in the manner, and to be used, returned, and accounted for, as in the same act is mentioned and directed; and whereas a doubt hath arisen, whether under or by virtue*

of

of the said laſt mentioned act, curers of fiſh, in Great Britain, are authoriſed to take Britiſh ſalt from any diſtant ſalt works, or ſalt pits, where the ſame is allowed by law for the curing of fiſh for exportation, and to ſhip and remove the ſame coaſtwiſe to any other port or place in Great Britain, for the purpoſes in the ſame act mentioned, and more eſpecially whether ſuch curers of fiſh, as reſide in that part of Great Britain called Scotland, are at liberty, under the ſaid act, or any other act or acts, to remove ſalt coaſtwiſe from any ſalt pits, or ſalt works, in that part of Great Britain called England, the exiſtence of which doubt hath in many inſtances been found detrimental to the ſaid fiſheries; be it enacted, That, from and after the paſſing of this act, it ſhall and may be lawful to and for the curers of fiſh in any part of the united kingdom of Great Britain, to take from any ſalt works, or ſalt pits, in Great Britain, ſuch quantity of Britiſh ſalt as they ſhall think proper, as well for the curing of any kind of fiſh for exportation to foreign markets, as for the curing of herrings and other fiſh taken in the herring fiſhery for home conſumption, without paying any duty for the ſame, and to bring, carry, transport, and remove coaſtwiſe, the ſalt ſo taken, to any port or place in Great Britain, ſuch curers of fiſh, or their reſpective agents, before ſuch ſalt ſhall be removed from the ſalt work, or ſalt pit, entering, at the next office for the duty on ſalt, the quantity of ſalt ſo intended to be removed, and procuring the ſame to be weighed in the preſence of an officer for the duties upon ſalt before the removal thereof, and alſo making oath in writing before ſuch officer (to be by him filed in his office for the duty on ſalt), declaring the true quantity of ſuch ſalt, and that all the ſaid ſalt is intended for the curing of fiſh for exportation, or for the curing of herrings and other fiſh taken in the herring fiſhery for home conſumption (as the caſe may be), and that the ſaid ſalt is intended to be carried, transported, or removed coaſtwiſe to ſuch a port or place, (naming the ſame), and ſhall not, by their order, conſent, or connivance, directly or indirectly be ſold, given away, or any ways delivered but for the purpoſe aforeſaid; and alſo making a full and particular entry of ſuch ſalt with the proper officer of the cuſtoms at the port or place where the ſame ſhall be, or is intended to be ſhipped, for the purpoſe of being brought, carried, transported or removed coaſtwiſe as aforeſaid, and alſo giving ſecurity to the ſaid officer, by their bond or obligation, in double the amount of the duties payable by law upon ſuch ſalt, for the due payment of ſuch duties; and the proprietor or proprietors of ſuch ſalt ſo to be brought, carried, transported, or removed coaſtwiſe as aforeſaid, or his or their agent or agents, ſhall, on the arrival thereof at the port or place for which it ſhall have been ſo ſhipped and entered as aforeſaid, and before the ſame ſhall be reſtored, make a full and particular entry with the collector, or other principal officer of the cuſtoms there, of the ſalt ſo brought in and intended to be reſtored, expreſſing the true quantity thereof; and alſo making oath in writing, before ſuch collector or other officer, that

Salt for the curing of fiſh taken in the herring ſeaſon for home conſumption, as well as for curing fiſh for exportation, may be taken duty-free, etc. on the terms herein ſpecified.

Entry to be made at the port of ſhipping ſuch ſalt, and bond given;

and like entry to be made at the intended port of reſtoring it, etc.

that all the faid falt was shipped or taken on board at fuch a port or place, (naming the fame), and when the fame was fo shipped or taken on board, and that all the faid falt is intended for the curing of fifh for exportation, or for the curing of herrings and other fifh taken in the herring fifhery for home confumption, (as the cafe may be), and that no part of fuch falt, fince the fame was shipped, hath been, or fhall be thereafter, by their order, confent, or connivance, direfctly or indirefctly fold, given away, or any ways delivered, but for the purpofe aforefaid, and that no drawback for the fame hath been had, or is intended to be had, upon the exportation of the faid falt; after which oath the faid collector, or other principal officer of the customs, is required to grant and deliver to the proprietor or proprietors of the faid falt, or his or their agent or agents, without fee or reward, a certificate, under his hand, that fuch entry hath been made; upon the production and delivery whereof to the officer of the customs, to whom fuch bond fhall have been given as aforefaid, fuch bond fhall be delivered up to be cancelled; and after fuch entry and oath made, the proprietor or proprietors of fuch falt, or his or their agent or agents, fhall be at liberty to reland the fame in the prefence of the proper officer, and fuch falt, being weighed in the prefence of fuch officer, and lodged in a warehouse, under the lock and key of the faid officer, as well as of the proprietor of the faid falt, fhall be fecured, managed, ordered, and dealt with, delivered over, and accounted for, in fuch and the fame manner as is in and by the faid recited act of the fifth year of the reign of King *George* the Firft prefcribed or direfcted, concerning the falt thereby allowed to be taken by curers of fifh for exportation, as aforefaid, any thing in the faid recited act, or in an act made in the twenty-ninth year of the reign of his late majesty King *George* the Second, (intituled, *An act for encouraging the fifheries in that part of Great Britain called Scotland*), or any other act or acts, or any custom or ufage, to the contrary notwithstanding.

XXVIII. Provided always, and be it further enacted, That if any *Britifh* falt fhall be removed from the works or pits, or carried, brought, transported, or removed coaftwife, or landed, contrary to the regulations prefcribed by this act, and to the true intent and meaning hereof, fuch falt, and alfo double the value thereof, over and befides the duties payable for the fame, fhall be forfeited, to be recovered of the proprietor or proprietors of fuch falt, or the mafter of the vefel fo carrying, bringing, transporting, or removing the fame.

XXIX. And whereas by an act paffed in the eighth year of the reign of his late majesty King *George* the Second, (intituled, *An act for granting and continuing the duties upon falt, and upon red and white herrings, for the further term of four years; and for giving further time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices*), it is enacted, That, from and after the time therein mentioned, no foreign falt fhould be delivered over from the joint custody of the officer

Officer of the customs to deliver certificate of entry, which is to cancel the bond, etc.

Salt carried coaftwife, contrary to this act, to be forfeited, with double its value, besides the duties.

§ Geo. 2. c. 12; and

officer and proprietor into the sole custody of the proprietor, or his agent, for curing fish for exportation, except he or they should give security, to the satisfaction of the chief officer of the salt duty in the port where such salt should be imported, that he or they should and would account for the foreign salt so by him or them to be received, in the terms of, and according to the true intent and meaning of the therein recited acts, made in the fifth and eighth years of the reign of his late majesty King George the First, or should answer the several penalties in the said acts directed to be recovered from the proprietor offending against the said several acts, or either of them: and whereas by an act, passed in the twenty-fifth year of the reign of his present Majesty, (intituled, An act for reducing the allowances for waste on salt and rock salt; for regulating the exportation of salt to Jersey, Guernsey, Alderney, and Sark; for repealing the laws allowing the use of foul salt for manure only; for allowing a drawback on the exportation of Glauber or Epsom salts; for restraining fish curers from being dealers in salt; for regulating the exportation of herrings from the Isle of Man; for better securing the duties on salt; and for indemnifying persons who have been guilty of offences against the laws relating to the duties on salt); after reciting that British salt, delivered duty-free, for the curing of fish for foreign markets, was liable to frauds for want of security being given as for foreign salt, when delivered over into the curers sole custody at the beginning of the fishing season, it is enacted, That, from and after the first day of August, one thousand seven hundred and eighty five, on delivering over such British salt from the joint custody of the officer and proprietor, into the sole custody of the proprietor, or his agent, for the curing of fish for exportation, the said proprietor, or his agent, should give security, to the satisfaction of the chief officer of the salt duties, in the port or place where such salt had been lodged, in double the amount of the duties, that he or they should and would account for the same in the terms of, and according to the true intent and meaning of the several acts of parliament made in that behalf, in like manner as the curers of fish then did for foreign salt taken for the curing fish for exportation, by virtue of an act made in the eighth year of the reign of his late majesty King George the Second: and whereas the security usually required by the officer of the salt duties, under and by virtue of the said recited acts of the eighth year of the reign of his late majesty King George the Second, and the twenty-fifth year of the reign of his present Majesty, being the bond of the proprietor himself, and two sureties, in double or treble the amount of the duties payable for the salt in respect whereof such security is taken, hath been found of great inconvenience to the proprietors, and to operate very much to the discouragement of the fisheries; for remedy whereof, be it enacted, That, from and immediately after the passing of this act, whenever any salt, foreign or British, shall be delivered over from the joint custody of the officer and proprietor, into the sole custody of the proprietor or his agent, for curing fish for exportation, such proprietor or his agent, shall not be obliged or required, under or by force or virtue of the

25 Geo. 3.
 c. 63. in part
 recited.

Inconvenience having arisen from the two last recited acts, salt may henceforward be delivered into the custody of the proprietor on his own bond.

the

the said recited acts of the eighth year of the reign of his late majesty King *George* the Second, and the twenty-fifth year of the reign of his present Majesty, or either of them, or any other act or acts whatsoever, to give any security, by surety or sureties, for the purposes therein expressed, but his own bond, in double the amount of the duties only, and no otherwise, any thing in the said acts, or any of them, contained to the contrary notwithstanding.

Credit to be given on the back of the bond for the quantity of salt accounted for, etc.

XXX. And be it further enacted, That credit for the quantity or quantities of salt, for which such bond shall be given as aforesaid, which shall have been used and duly accounted for, shall, from time to time, be given by the proper officer on the back of the said bond; and also that, when a proper account shall have been rendered of the whole of the salt specified therein, or the duties paid upon the deficiency thereof, the said bond shall be void, and shall be delivered up and cancelled.

Bonds exempted from stamp duties.

XXXI. And be it further enacted, That no bond or other security, to be given by any taker or curer of fish, or the master or owner of any boat, barge, or vessel employed in the *British* fisheries, or in the exportation of fish, or in the conveyance of fish from one *British* port to another, for or in respect of such his occupation or employment, under or by force or virtue of any law or statute now in being, shall be charged or chargeable with any stamp duty whatever, any law, statute, usage, or custom to the contrary notwithstanding.

Officers accepting fees to forfeit treble the value, and to be discharged.

XXXII. *And whereas evidence hath been laid before parliament of the pernicious effects which the fees or other perquisites of certain of the officers of his Majesty's customs, especially in Scotland, have produced on the fisheries of this kingdom, and as the requisition of such fees, however sanctioned by long usage, appears, by the orders of the commons in parliament assembled, in the year of our Lord one thousand six hundred and sixty-two, by virtue of an act of the twelfth year of the reign of his late majesty King Charles the Second, to be contrary to the declared intention expressed in the said orders; be it further enacted, That, from and immediately after the passing of this act, it shall not be lawful for any officer or officers of his Majesty's customs, to demand, ask, or accept, any fee or other perquisite for or on account of any transaction relative to any vessel or boat employed in the fisheries, or in the transportation from one place to another of fish, or of salt for the use of the fisheries, or for or on account of the payment of any bounty or debenture on fish; and in case any such officer or officers shall demand, ask, or accept any such fee or other perquisite as aforesaid, he or they (being thereof lawfully convicted) shall forfeit and pay treble the amount or value of the sum of money or other thing so by him or them demanded, asked, or accepted, and shall be forthwith discharged from such office or offices, as he or they shall then hold in his Majesty's customs.*

XXXIII. *And whereas the fisheries carried on from time immemorial on the coasts of the Isle of Man, by the inhabitants thereof, have proved a fruitful nursery of able seamen for the national service:*
and

and whereas, if due and equal encouragement with that granted to his Majesty's other Britiſh ſubjects, were given to the inhabitants of the Iſle of Man employed in the ſaid fiſheries, they might be further improved and extended, to the advantage of the publick ſervice, and to the increaſe of the marine, wealth, and force of the kingdom; be it therefore enacted by the authority aforeſaid, That, from and after the firſt day of June, one thouſand ſeven hundred and eighty-ſeven, the like bounty of one ſhilling per barrel as above mentioned, ſhall be paid for all ſuch herrings caught by the inhabitants of the *Iſle of Man*, as ſhall be landed in the ſaid iſland from any boat or veſſel, and ſhall be afterwards properly ſalted, cured, and packed, in manner as above directed for *Britiſh*-caught herrings; which ſaid bounty ſhall be excluſive of all bounties payable on exportation of herrings to foreign parts, and ſhall be payable and paid, with reſpect to ſuch herrings as ſhall be landed in the *Iſle of Man*, from and out of the ſurplusage of the annual cuſtoms of the ſaid iſland, over and above the expenſiture and civil eſtabliſhment of the ſaid iſland, by the receiver general of the cuſtoms thereof for the time being, upon the owners of ſuch herrings complying with, and conforming to, the like rules and regulations, and being ſubjected and liable to the like penalties in caſe of relanding, or any other fraudulent practices, in order to obtain ſuch bounty, as are by this act directed with regard to *Britiſh*-caught herrings landed in *Great Britain*.

XXXIV. And be it further enacted by the authority aforeſaid, That, from and after the firſt day of June, one thouſand ſeven hundred and eighty-ſeven, all ſuch herrings as ſhall be caught and cured by the inhabitants of the *Iſle of Man*, and exported from thence, or from *Great Britain*, to foreign parts, ſhall, upon exportation thereof, or any part thereof, be intitled to the like allowances or bounties of two ſhillings and eight-pence per barrel on white herrings ſo exported, and of one ſhilling and nine-pence per barrel on red herrings ſo exported, as by an act, paſſed in the fifth year of the reign of his late maſtey King *George* the Firſt, (intituled, *An act for recovering the credit of the Britiſh fiſbery in foreign parts; and for better ſecuring the duties on ſalt*), are granted on the exportation of white and red herrings reſpectively; which ſaid allowances or bounties ſhall, on ſuch white or red herrings exported directly from the *Iſle of Man* to foreign parts, be payable from and out of the ſame funds, and in the ſame manner reſpectively, as in this preſent act is provided and directed with reſpect to the bounty on the landing of herrings in the *Iſle of Man*, caught and cured by the inhabitants thereof, as above mentioned; and ſuch allowances or bounties on exportation to foreign parts of white and red herrings reſpectively, caught and cured by the inhabitants of the ſaid iſland, and exported from *Great Britain* to foreign parts, ſhall, on the owner or owners thereof producing due and proper certificates, ſigned by the collector, comptroller, or other chief officer of his Majesty's revenue of the ſaid iſland,

From June 1, 1787, the bounty of 1s. per barrel to be paid to the inhabitants of the Iſle of Man for herrings caught and cured by them in terms of this act;

and on exportation thereof to be allowed the bounties granted by 5 Geo. 1. c. 18.

to be paid, if exported from the Iſle of Man, as the bounty of one ſhilling per barrel is payable there; and if from *Great Britain*, as the bounty on exportation from *Britain*, and under the like regulations.

of

of such owner or owners having taken the like oaths, and of their having conformed to the like provisions and regulations, as by this act are directed in the case of herrings cured in *Scotland*, and exported from *England*, and of herrings cured in *England*, and exported from *Scotland*, be payable from the same funds, and be issued and paid under and subject to the like conditions, restrictions, and regulations, and with the like penalties in case of relanding such herrings, or in case of any other fraudulent practices in order to obtain the said bounties, as by the said recited or by this present act are provided, prescribed, and inflicted, in regard to herrings cured in, and exported from, any part of *Great Britain*, any thing to the contrary thereof in any wise notwithstanding.

Duties now payable on the importation of herrings from the Isle of Man to cease.

Penalties on officers taking fees to extend to the fisheries of the Isle of Man.

12 Geo. 3. c. 58, in part recited.

XXXV. And be it further enacted by the authority aforesaid, That all duties which are at this time payable by law on such herrings as are caught and cured by the inhabitants of the *Isle of Man*, and imported into *Great Britain*, shall, from and after the passing of this act, cease and determine.

XXXVI. And be it further enacted by the authority aforesaid, That the like restrictions and penalties as are herein before mentioned and provided, with regard to officers asking or accepting of any fee or perquisite for or on account of any transaction relative to the fisheries, shall be, and the same are hereby declared to be extended, in the most full and ample manner, to the fisheries of the *Isle of Man*.

XXXVII. And whereas by an act, made in the twelfth year of the reign of his present Majesty, (intituled, An act for the further encouragement of the herring fishery on the coasts of the *Isle of Man*; and for obviating a doubt which has arisen with respect to the allowing the bounties upon the *British* white herring fishery in the year one thousand seven hundred and seventy-one), any sort of herrings caught upon the coasts of the *Isle of Man*, and cured there, are allowed to be imported and brought into any part of *Great Britain*, upon payment of the duties therein mentioned, the master, or other person having the charge of the ship so importing such herrings, bringing with him a certificate or certificates from the governor, lieutenant governor, commander in chief, or chief magistrate for the time being, that oath had been made before him or them, in the presence of the officer of the customs for the port or place where such herrings were put on board, that the same were bona fide taken on the coasts of the *Isle of Man*, and cured there; which certificate or certificates were also to be attested by the said officer of the customs, and to express the number of barrels, and quantity of such herrings respectively, and the marks of the package expressed in the bill or bills of lading, with the name or names, place or places of abode, of such person or persons as shall have made the oath thereby directed, and where and to whom such herrings shall be consigned in *Great Britain*; and whereas such herrings are frequently exported from parts of the said island so distant and remote from the place of residence of the governor, lieutenant governor, commander in chief, or chief magistrate for the time being, that the exporters thereof cannot, without great

great inconvenience and expence, make the proof, and obtain the certificate required by the said recited act: now, for the remedy thereof, be it further enacted by the authority aforesaid, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, the said oath, required by the said recited act to be taken before the governor, lieutenant governor, commander in chief, or chief magistrate for the time being, shall and may be administered by the collector, comptroller, or other chief officer of the revenue, at the port or place in the said island where such herrings shall be shipped or loaden, who is and are hereby respectively authorized and required to administer the same, and to grant a certificate thereof in the form and to the effect required by the said recited act, under his hand and seal of office; any thing in the said recited act to the contrary thereof notwithstanding.

XXXVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the commissioners of his Majesty's customs, and they are hereby authorized and required to make such addition to the present salaries of the officers, whose incomes shall be reduced by the abolition of such fees, or other perquisites as aforesaid, in lieu of, and by way of compensation and satisfaction for the same, as they in their discretion (having regard as well to the creditable subsistence of the officer as publick œconomy), shall judge necessary, and so order or direct; any thing in this present act, or in any other act or acts contained to the contrary notwithstanding.

XXXIX. And be it further enacted, That if any person or persons do presume to counterfeit, erase, or alter any certificate, debenture, or cocquet, by this act directed to be made, or shall use any such certificate, debenture, or cocquet, knowing the same to be so counterfeited, erased, or altered, such person or persons shall be liable to such and the same punishment as by the laws and statutes of this realm is provided for persons convicted of forgery.

XL. And be it further enacted, That if any person, in making any oath directed or required to be made by this act, shall wilfully and falsely swear any matter or thing which, if the same had been sworn in any cause or suit depending in any of his Majesty's courts would have amounted to wilful and corrupt perjury; every person so offending, and being thereof lawfully convicted, shall be liable to such and the same punishment as by the laws and statutes of this realm is provided for persons convicted of wilful and corrupt perjury.

XLI. And be it further enacted, That all the penalties and forfeitures herein-before given by this act, shall be distributed in manner following; that is to say, One moiety thereof to his Majesty, his heirs and successors, and the other moiety to any person or persons who shall seize, inform, or sue for the same, and shall be sued for, recovered, levied, prosecuted, and determined, by bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in

From Aug. 1, 1786, the oath required by the recited act may be administered by the revenue officer at the port in the Isle of Man where herrings are shipped, &c.

Commissioners of customs may add to the salaries of officers in consideration of the abolition of fees.

Persons counterfeiting certificates, &c. to be punished as forgers.

Persons making false oaths to be deemed guilty of perjury.

How penalties are to be applied and recovered.

Scotland, refpectively, wherein no effoin, protection, privilege, wager of law, or more than one imparlance, fhall be allowed.

General iffue. XLII. And be it further enacted, That if any perfon or perfons fhall happen to be fued or profecuted for any thing by him or them done or executed in purfuance of this act, fuch perfon or perfons fhall or may plead the general iffue, and give this act, and the fpecial matter in evidence; and if upon trial a verdict fhall pafs for the defendant or defendants, or if the plaintiff or plaintiffs fhall become nonfuted, difcontinue, or forbear profecuting fuch action or actions, then fuch defendant or defendants fhall be intituled to double cofts againft fuch plaintiff or plaintiffs, for which he or they fhall have the like remedy as a defendant can have in any cafe where cofts are given him by law.

1 Geo. I. c.
18; and

9 Geo. 2. c.
33. recited.

XLIII. *And whereas, by virtue of an act paffed in the firft year of the reign of his late majefty King George the Firft, intituled, An act for the better preventing frefh fifh, taken by foreigners, being imported into this kingdom, and for the prefervation of the fry of fifh; and for the giving leave to import lobfters and turbot in foreign bottoms; and for the better prefervation of falmon within feveral rivers in that part of this kingdom called England: and alfo, of an act paffed in the ninth year of the reign of his late majefty King George the Second, intituled, An act to render the law more effectual for preventing the importation of frefh fifh taken by foreigners; and to explain fo much of an act made in the thirteenth and fourteenth year of the reign of King Charles the Second, as relates to fhips exporting fifh to the ports of the Mediterranean Sea; and for the better prefervation of the fry of lobfters on the coaft of Scotland; no herring, cod, pilchard, falmon, or ling, frefh or falted, dry or bloated, nor any grill, mackarel, whiting, baddock, fprats, coal-fifh, gull-fifh, tongers, or any fort of flat fifh, nor any other fort of frefh fifh whatfoever (except turbot and lobfters), can be legally imported into, fold, or expofed to fale in that part of this kingdom of Great Britain called England, which fhall be taken by, bought of, or received from, any foreigner or foreigners, or out of any ftranger or ftrangers bottom (except proteftant ftrangers), inhabiting this kingdom; and every perfon offending by fuch illegal importation, fale, or expofal to fale, is liable to forfeit and pay the fum of one hundred pounds, to be recovered by any informer, in any of the courts in Weftminfter Hall, and to be diftributed and difpofed of in the manner following (that is to fay); One moiety thereof to the informer, and the other moiety thereof to the poor of the parifh where fuch offence fhall be committed; and the mafter or commander of every fuch smack, hoy, yager, boat, fhip, or other vefffel, in which any fifh fhall be fo illegally imported, or brought to fhore, is alfo liable to forfeit and pay the fum of fifty pounds, to be recovered by any informer, and to be difpofed of as aforefaid; provided that no perfon fhall incur any fuch penalty or forfeiture, unlefs the profecution for the fame be commenced within twelve months after the offence committed: and whereas the provifions made by the faid recited acts are found, by experience, to be ineffectual, and not fufficient to refrain ill-difpofed perfons*

persons from buying and receiving fresh fish (other than turbot, lobsters, and eels) from foreigners or strangers, and importing and selling such fish in this kingdom, contrary to the tenor and express meaning of the said acts; and, by reason of the great delay and expence attending the prosecution of the offenders, and the great difficulty of procuring sufficient evidence for the recovery of the said penalties under the said acts; persons are discouraged from suing for such penalties, and the said offenders escape with impunity: for remedy whereof, and to the intent a practice so injurious to the British fisheries, and so obviously detrimental to the naval interests of this kingdom, may be the more effectually suppressed and prevented, be it further enacted, That if, upon

complaint or information, upon oath, made before any two justices of the peace (having competent jurisdiction in this behalf), it shall appear that such officer or officers doth or do know, or is or are credibly informed, or hath or have cause to believe or suspect, that any fish hath been imported or brought into, or sold or exposed to sale, in the port of London, contrary to the tenor and true intent and meaning of the said recited acts of the first year of the reign of King George the First, and the ninth year of King George the Second, and of this present act, or any of such acts, it shall and may be lawful to and for the said justices to summon the person or persons who shall be charged by such complaint or information, to appear before them, at a time and place to be specified in the summons; and in case the party or parties so summoned shall not appear according to such summons, then, upon due proof made of the service of such summons, either personally, or by leaving the same at his or their dwelling-house, lodging, or other usual place of abode whilst the party or parties shall be on shore, or not being on shore, with some person in the ship or vessel to which he or they shall then actually belong, to cause such party or parties to be apprehended, by warrant or warrants under the hands and seals of such justices, and to be brought before them at such time and place as shall be specified in and by such warrant or warrants; and thereupon, whether such party or parties shall appear upon such summons, or be apprehended as aforesaid, such justices shall and may proceed to hear the matter of such complaint or information, and to adjudge and determine the same.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said justices, before whom any such complaint or information shall be made as aforesaid, to summon before them any seaman, fisherman, or other person, who shall, in or by such complaint or information, appear to be a necessary witness as to the matter thereby charged, to appear before them, at a time and place to be specified in the summons; and in case such seaman, fisherman, or other person, shall not appear according to such summons, then, upon due proof made of the service of such summons in manner aforesaid, to cause such seaman, fisherman, or other person, to be apprehended by warrant under the hands and seals of such justices, and to be brought before them, and thereupon, whether such seaman, fisherman,

If officers suspect fresh fish to have been imported into London contrary to 1 Geo. 1. c. 18; 9 Geo. 2. c. 33. and this act, two justices may summon the parties, and determine the complaint.

Witnesses refusing to attend may be apprehended, and giving false evidence to be committed for a year to gaol.

or other person, shall appear upon summons, or be apprehended as aforesaid, such justices shall and may proceed to examine him upon oath as to the matter of such complaint or information; and in case such seaman, fisherman, or other person, shall wilfully refuse to be sworn, or to give evidence therein, or shall evidently wilfully forswear himself, or prevaricate in his evidence, it shall and may be lawful to and for such justices, by warrant under their hands and seals, to commit such seaman, fisherman, or other person so refusing to be sworn, forswearing himself, or prevaricating as aforesaid, to the common gaol of the county or place in or for which such justices shall then act, to remain for the space of one whole year, without bail or mainprize.

Written evidence to have the force of *viva voce* examination.

XLV. And be it further enacted, That the examination of every person so to be examined as a witness as aforesaid, shall be taken down in writing by or before the said justices; and in case the party or parties, charged by such complaint or information, cannot be made to appear at the time of such examination, and such witness cannot be made to attend when such party or parties shall appear, then and in such case such examination in writing shall and may be read and made use of, and shall have the same force and effect as if such witness were then actually present and examined *viva voce*.

How penalties incurred under recited part of 9 Geo. 2. c. 33. are to be recovered and applied,

XLVI. And be it further enacted, That the aforesaid several pecuniary penalties, by the said in part recited act of the ninth year of the reign of King *George* the Second granted or imposed, shall be recoverable by and before any two justices of the peace for any county, division, or place, on due proof and conviction of the offence by the oath of any credible witness, or by confession of the offender or offenders, and that the whole of such penalty or penalties shall belong to the informer or informers making or laying such complaint or information as aforesaid; and in case of the nonpayment of such penalty or penalties, with the charges incident to such conviction, immediately upon such conviction, the same penalty or penalties and charges shall be levied by distress and sale of the goods and chattels of such offender or offenders, by warrant or warrants under the hands and seals of the justices before whom he or they shall have been convicted; and for want of sufficient distress, the offender or offenders shall be sent by the same justices to the common gaol of the county, division, or place, in or for which they shall respectively act, there to remain for the space of one whole year, without bail or mainprize, unless such penalty or penalties shall be sooner paid; any thing in the said last mentioned acts, or either of them, or any other act or acts, contained to the contrary notwithstanding.

XLVII. And, to the end that the person or persons convicted of any offence for which any such pecuniary penalty, as last aforesaid, is by this act made recoverable, may not by flight or removal after such conviction evade imprisonment, where such penalty shall not be paid upon his or their conviction; be it further enacted, That it shall and

and may be lawful for the justices before whom any such offender or offenders shall be so convicted as aforesaid, immediately after such conviction to order such offender or offenders into custody (in case the said penalty or penalties due on such conviction be not immediately paid), during such time not exceeding forty-eight hours, as such justices shall think proper to allow for the return of the warrant for levying such penalty by distress and sale as aforesaid.

XLVIII. Provided always, and be it further enacted, That if it shall appear to the satisfaction of the justices before whom any such offender shall be convicted as aforesaid, either by the confession of the party convicted, or other witness, that such party hath not goods or chattels sufficient to answer the penalty or penalties by him incurred, then, and in such case, the same justices shall and may, without issuing any warrant of distress, commit the party so convicted, as if such warrant had actually issued, and a return of *nulla bona* been made thereon.

XLIX. Provided also, and be it further enacted, That if any such offender, ordered to be committed to prison under or by virtue of this act, shall, before his actual commitment to prison, procure security to be given by two sufficient securities, to the satisfaction of the justices before whom he shall have been convicted, for payment of the penalty or penalties by him incurred, with the charges incident to his conviction, within the space of fourteen days, exclusive of the day of conviction; then, and in such case, it shall and may be lawful for such justices to accept such security, and upon nonpayment thereof, at the time stipulated for that purpose, it shall and may be lawful for the same justices, or any other justices of the peace for the same county, division, or place, to cause the party convicted, and his sureties, to be apprehended by warrant or warrants under their respective hands and seals, and them to commit to the common gaol of the county, division, or place, in or for which such justices shall act, for such space of time as the party convicted was subject and liable to have been imprisoned, in case no such security had been given, unless such penalty and charges shall be sooner paid.

L. Provided also, and be it further enacted, That if any person or persons so convicted as aforesaid shall think himself or themselves aggrieved, by the judgement or determination of any justices of the peace, upon any complaint or information in pursuance or by virtue of this act, it shall and may be lawful to and for such person or persons, within the space of three calendar months then next ensuing, to appeal to the general or quarter sessions of the peace to be held for the county, division, or place, in or for which such justices shall have acted, such person or persons so appealing giving, and being hereby required to give, at least six days notice to the informer or informers of such his, her, or their intention to bring such appeal, and of the matter thereof, and shall, with two sufficient sureties, enter into recognizance before some justice or justices of the peace for the same

and if not paid upon conviction, the parties may be imprisoned 48 hours, to give time for levying by distress.

In case of insufficiency of goods, the parties may be committed.

Security for penalties may be accepted, and if not fulfilled, the party convicted and his sureties may be imprisoned.

Parties convicted, on finding two sureties, may appeal to the general or quarter sessions; and if the conviction be affirmed, to pay double costs.

county, division, or place, to appear and prosecute such appeal at the said general or quarter sessions, and abide by the order or determination of the same court, and to pay the costs and charges thereby awarded against such person or persons, (if any); and every such appeal shall by the said court of general or quarter sessions be examined, and the circumstances of the case fully enquired into, and the matter finally heard and determined; and in case such judgement, determination, or conviction, so appealed against, shall be affirmed, the party so appealing shall pay unto the informer or informers double costs, to be ascertained by the order of the same court.

Persons having paid the penalty, or being imprisoned, not to find sureties.

LI. Provided also, and be it further enacted, That in case the person or persons so intending to appeal shall have paid the penalty, under any such conviction as aforesaid, into the hands of the said justices by way of deposit, or shall be then imprisoned, such person or persons shall and may appeal to the said general or quarter sessions within the time aforesaid, on his or their entering (without sureties) into such recognizance as herein-before mentioned, and remaining in prison in the mean time, or depositing such penalty into the hands of the said justices, there to remain until the merits of the said appeal shall be heard and determined.

No judgement of the justices to be set aside for want of form, or removed by Certiorari.

LII. Provided also, and be it further enacted, That no such conviction made, or judgement given as aforesaid, shall be set aside by the said court of general or quarter session for want of form, or through the mis-stating of any fact, circumstance, or other matter whatsoever, provided the material facts alledged in such conviction or judgement, and on which the same shall be grounded, be proved to the satisfaction of the said court, nor shall any such conviction or judgement, or any order or proceedings of the said court, be removed or removeable by *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*; any law or custom to the contrary notwithstanding.

Actions for offences against 1 Geo. 1. c. 18. & 9 Geo. 2. c. 33. may be commenced within 12 months.

LIII. Provided also, and be it further enacted, That every prosecution in pursuance or by virtue of this act, for any offence against the said several acts of the first year of the reign of King George the First, and the ninth year of the reign of King George the Second, or either of them, shall and may be commenced within the space of twelve calendar months from the time whereat such offence shall have been committed; any thing in the said acts, or either of them, contained to the contrary notwithstanding.

The powers of former acts to remain in full force, except such as are hereby repealed.

LIV. Provided always, and it is hereby declared, That nothing in this act contained shall extend, or be implied or construed to extend, to repeal or alter any act or acts now in force, or any of the clauses or provisions therein contained, or take away, abridge, lessen, or affect any of the powers or authorities thereby given or granted respectively, for settling or regulating the mode or course to be observed in fitting out for any fishery, or clearance outwards, or entry inwards, or the discharge of any

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buss or fishing vessel, or in cellaring, securing, shipping, restipping, or relanding any salt, to be used for the salting or curing of fish, or in fishing for, catching, salting, curing, storing, landing, removing, marking, or exporting any fish whatsoever, or in the payment or allowance of any bounties thereby respectively granted, on the tonnage or burthen of any buss or vessel, or on any fish to be exported, save only and except so far as any such act or acts, or the clauses, provisions, powers, or authorities therein contained or granted, are specifically or expressly repealed, revoked, altered, or controuled by this present act, or repugnant to any of the provisions herein contained; but that all and singular the said former acts, and the bounties thereby granted, and the several rules, regulations, powers, and authorities therein contained or granted, and the pains, penalties, and forfeitures incurred, or thereby inflicted or provided for any breach or non-observance of the same, except as aforesaid, shall remain and continue in the same force and effect as if this act had not been made; any thing herein contained to the contrary notwithstanding.

C A P. LXXXII.

An act for the more effectually carrying into execution the laws relating to the duties on stamped vellum, parchment, and paper; and for repealing certain stamp duties on policies for insuring property in any foreign kingdom or state from loss by fire.

FOR the more effectually carrying into execution the laws now in force relating to the duties under the management of his Majesty's commissioners for managing the duties on stamped vellum, parchment, and paper, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the fifth day of July, one thousand seven hundred and eighty-six, wheresoever any person shall be convicted before a justice or justices of the peace for any offence to be hereafter committed against any act or acts of parliament now in being, or hereafter to be made, touching or concerning any the duties under the management or care of the said commissioners for managing the duties on stamped vellum, parchment, and paper, by which any pecuniary penalty or sum of money shall be forfeited, the said justice or justices of the peace before whom such person shall be convicted of the said offence, shall levy the said pecuniary penalty or sum of money in such manner as in such act or acts of parliament is contained, and apply the same to such uses and purposes, and in such proportions, as are therein contained and expressly directed, in case the same act or acts of parliament, or any other act or acts of parliament relating thereto, shall expressly direct the application thereof; and in default of such express and sufficient directions in such act or acts of parliament for the application of the said pecuniary penalty, or

Preamble.
From July 5, 1786, where penalties are not directed to be applied by former acts, they are to be applied as herein directed.

sum of money fo forfeited upon fuch conviction as aforefaid, then to apply the fame in fuch manner as is herein-after directed.

One moiety of penalties to be to the informer profecuting within fix months, and the other to his Majesty.

II. And be it further enacted by the authority aforefaid, That, from and after the faid fifth day of *July*, one thousand feven hundred and eighty-fix, one moiety or half part of all pecuniary penalties or forfeitures which fhall be incurred by any perfon or perfons for any offence hereafter to be committed againft any law now in being, or hereafter to be made, touching or concerning any the faid duties (except where a different mode of application is or fhall be in the faid law fpecially prefcribed) fhall belong, and be applied to the informer or informers profecuting for the fame within the fpace of fix calendar months after fuch offence is committed, and the other moiety or half part of the faid pecuniary penalties or forfeitures (the neceffary charges for the recovery thereof being firft deducted) fhall be paid to the ufe of his Majesty, his heirs and fucceffors, in the manner herein-after directed.

But no part of the penalties to belong to informers not profecuting in limited time.

III. Provided always, and be it further enacted by the authority aforefaid, That every diftribution or divifion of any pecuniary penalty or forfeiture, directed to be made by this or any other act or acts of parliament touching any of the faid duties, upon conviction before a juftice or juftices of the peace as aforefaid, fhall be, and is hereby refticted and confined to the profecuting for the fame within the time herein-before limited; and that in default of fuch profecution within the time aforefaid, no informer or informers before a juftice or juftices of the peace as aforefaid, fhall have or be entitled to any part or fhare of fuch penalty or forfeiture, but that the whole thereof fhall belong to his Majesty, his heirs and fucceffors, and fhall be recoverable by any the ways and means in or by any fuch act or acts of parliament in that behalf directed; any thing in this, or any the faid acts, contained to the contrary notwithstanding.

His Majesty's fhare of penalties to be paid to receiver-general of ftamps, who is to pay the fame into the exchequer by Aug. 1, annually, to be applied as former penalties.

IV. And be it further enacted by the authority aforefaid, That, from and after the paffing of this act, all penalties or forfeitures, and fhares of penalties or forfeitures, which fhall be due or payable to his Majesty, his heirs or fucceffors, by virtue of this or any of the faid acts of parliament, or any other act or acts of parliament now made, or hereafter to be made, touching any the faid duties, fhall, from time to time, be paid into the hands of the receiver-general of the duties on stamped vellum, parchment, and paper, for the time being, (or fome other perfon to be authorized by the faid commiffioners, or the major part of them, to receive the fame), who fhall keep a feparate and diftinct account thereof, and pay the fame (the neceffary charges of paying and accounting for the fame being deducted) into the receipt of the exchequer on or before the firft day of *Auguft*, in every year, unlefs the fame fhall be a *Sunday* or holiday, and then on the day following which fhall not be an holiday; and in the office of the auditor of the faid receipt there fhall be provided and kept a book or books, in which all the monies

monies arifing from the penalties or forfeitures due or payable to his Majefty, his heirs or fucceffors, for any offence or offences committed againft any act or acts of parliament now or hereafter to be made touching any of the faid duties on stamped vellum, parchment, or paper, and paid into the faid receipt as aforefaid, fhall be entered feparate and apart from all other monies paid or payable to his Majefty, his heirs or fucceffors, upon any account whatfoever; and the faid monies fo to be paid into the faid receipt of exchequer as aforefaid, fhall be iffued and applied to the ufe of his Majefty, his heirs and fucceffors, in fuch manner, and to fuch purpofes, as the faid penalties and forfeitures were paid or applied, or ought to have been paid or applied, before the making of this act, and to no other ufe, intent, or purpofe whatfoever.

V. And be it further enacted by the authority aforefaid, That, from and after the paffing of this act, in all cafes where any pecuniary penalty or forfeiture for any offence committed againft this, or any act or acts of parliament now or hereafter to be made, touching any the duties under the management or care of the faid commiffioners for managing the duties on stamped vellum, parchment, and paper, fhall be incurred, it fhall and may be lawful for the juftice or juftices of the peace, before whom any perfon or perfons fhall be convicted of the faid offence, to caufe the conviction upon the fame offence to be made out in the form, or to the effect following, *mutatis mutandis*, as the cafe fhall happen to be; any thing in any former act contained to the contrary thereof notwithstanding; and every fuch conviction fhall be good and effectual to all intents and purpofes whatfoever, without ftating the cafe or the facts or evidence in any more particular manner; that is to fay:

Juftices to caufe convictions to be made out in the following form.

BE it remembered, That on the *day of* **Form of conviction.**
in the **A. B. of**
was duly convicted before me **C. D. one of his**
Majefty's juftices of the peace for the county of
(or before us C. D. and E. F. two of his Majefty's juftices of the
peace for the county of **as the cafe fhall hap-**
pen to be), in purfuanee of an act, paffed in the
year of the reign of **for that the faid A. B. on**
the **day of** **now laft paff, did**
 (here ftate the offence againft the act, as the cafe fhall happen to be), *contrary to the form of the ftatute in that cafe made and provided; and I (or we, as the cafe may be) do declare and adjudge that be the faid A. B. hath forfeited, for his faid offence, the fum of* **of**
of **I (or we, as the cafe may be) do hereby**
mitigate to the fum of **(here ftate the miti-**
gated penalty, if neceffary) to be diftributed as the law directs.
This is the firft, fecond, or other offence, (as the cafe fhall happen to be).

Given

Given under my hand and seal, (or, our hands and seals, as the case may require), this *11th* day of *August*

Convictions to be filed by the clerk of the peace, and not removable by Certiorari, but subject to appeal to the quarter sessions.

Which conviction the said justice shall cause to be wrote fairly upon parchment, and returned to the next general quarter sessions of the peace for the county, riding, shire, stewartry, or place, where such conviction was made, to be filed by the clerk of the peace, and there to remain and be kept among the records of the same county, riding, shire, stewartry, or place; and no such conviction shall be removed by Certiorari, into any court whatsoever, but shall be subject to appeal before the justices of the quarter sessions, in such manner as in and by any such act or acts of parliament is specially directed.

From Aug. 1, 1786, in prosecutions where offenders may be deemed guilty of felony, it shall be sufficient to prove the evidence acted under the commissioners, without producing his deputation.

VI. *And whereas great difficulties have frequently arisen upon the trial of divers informations, indictments; and other prosecutions for offences committed against his Majesty's revenue on stamped vellum, parchment, and paper; by requiring strict proof of the commissions, deputations, or other authorities under which the said commissioners, and the officers, and other persons appointed and employed by them to carry the same into execution, have acted for remedy thereof, be it further enacted by the authority aforesaid, That, from and after the first day of August, one thousand seven hundred and eighty-six, if upon trial of any information, indictment, or other prosecution, for any offence committed against any act or acts of parliament touching or concerning the said duties, or any of them, whereby any person or persons shall or may be deemed or construed to be guilty of felony; any question shall arise, whether any person be an officer of his Majesty, his heirs or successors, of or for any of the said duties, or whether any person hath been employed by the said commissioners for managing the said duties, or the major part of them, to make or provide any dies or stamps to denote the said duties, or any of them, or to repair, renew, or alter the same, or any of them, in every of the said cases, proof shall and may be made and admitted, that such person was reputed to be, and had acted in, and in fact exercised such office or employment, and at the respective time and times when the matter or matters in controversy upon such trial or trials shall happen to have been done or committed, without producing or proving the particular commission, deputation, or other authority, whereby such officer or other person was constituted, appointed, or employed; and that in every such case such proof shall be deemed and taken, by the judges or justices before whom any such trial shall be had, to be good and legal evidence, unless by other evidence the contrary shall be made to appear; any law or usage to the contrary thereof notwithstanding.*

Two provisions of 25 Geo. 3. c. 50, recited, and repealed as far as relates

VII. *And whereas, in and by an act made in the last session of parliament, intituled, An act for repealing an act made in the twenty-fourth year of the reign of his present Majesty, intituled, An act for granting to his Majesty certain duties on certificates issued with respect to the killing of game, and for granting other duties in*

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lieu thereof, it was provided, That, from and after the first day of July, one thousand seven hundred and eighty-five, it should and might be lawful for any one or more justice or justices of the peace of the county, riding, shire, stewartry, division, city, liberty, or place, wherein any offence or offences against the said act should be committed, and such justice and justices was and were thereby required, upon information or complaint to him or them made, to summon the party or parties accused, and also the witnesses on either side, to appear before him or them, and upon the appearance of the party or parties accused, or in default of his, her, or their appearance according to such summons, to proceed to hear and determine the matter in a summary way; and upon due proof made thereof, either by the voluntary confession of the party or parties accused, or by the oath of one or more credible witness or witnesses, to give judgement or sentence for the penalty or forfeiture, according as in and by the said act is directed, and to award and issue out his warrants, under his hand and seal, for the levying any pecuniary penalty and forfeitures so adjudged, on the goods of the offender, and to cause sale to be made thereof in case they should not be redeemed within six days, rendering to the party the overplus, (if any); and where sufficient goods of such offender could not be found to answer the penalty, to commit such offender to the common gaol or house of correction, there to remain for the space of six months, unless such penalty should be sooner paid and satisfied: and in and by another proviso of the said act it was provided and enacted, That nothing in the said act contained should extend, or be construed to extend, to subject any person or persons whatsoever to a longer imprisonment than three calendar months, for nonpayment of any fine or penalty to be imposed under the authority of the said act: now, to obviate any doubts which have arisen, or may arise, on the meaning of the said act, be it further enacted by the authority aforesaid, That the said proviso last abovementioned, and every matter and thing therein contained, and also so much of the said proviso first above mentioned which relates to the time for which the offender is to be committed, and which authorises or requires the justice or justices of the peace, before whom any offender shall be convicted of any offence against the said act, where sufficient goods of such offender cannot be found to answer the penalty, to commit such offender to the common gaol or house of correction, there to remain for the space of six months, shall be, and are, and each of them, (as to such part thereof as aforesaid) shall be, and is hereby repealed; and that, from and after the passing of this act, it shall and may be lawful for any such justice or justices of the peace as aforesaid, before whom any such offender shall be convicted of any offence against the said act of the last session of parliament, to levy any pecuniary penalties and forfeitures, adjudged by virtue of the said act, in such manner as is therein directed, all which penalties and forfeitures so adjudged shall be divided and distributed according to the directions of this act before specified; and that where sufficient goods of such offender cannot be found to answer the penalty, and the same shall remain unpaid, to commit such of-

to the time of commitment of offenders, where they have not sufficient goods to answer penalties.

If penalties be not paid, the party to be committed

for three months, and no longer.

fender to the common gaol or house of correction, there to remain for the space of three calendar months, unless such penalty shall be sooner paid and satisfied, and no longer; any thing in the said act contained to the contrary hereof notwithstanding.

VIII. Provided always, and be it further enacted by the authority aforesaid, That all and every law and statute now in force, touching any the said duties, and every article and thing in them contained, and not herein and hereby altered or repealed, shall be duly put in execution according to the tenor of the said laws, and under the penalties therein contained, to be raised, levied, and disposed of as therein and thereby are directed.

Laws now in force, except hereby repealed, to be put in execution.

22 Geo. 3. c. 48, recited, and the duty of 1s. 6d. for every 100l. insured, thereby laid, to cease from July 5, 1786, on insurances of foreign property from fire.

IX. *And whereas by an act, made in the twenty-second year of the reign of his present Majesty, intituled, An act for charging a duty on persons whose property shall be insured against loss by fire, it is enacted, That there shall be raised, levied, collected, and paid, throughout Great Britain, unto and for the use of his Majesty, his heirs and successors, the yearly sum of one shilling and sixpence upon every sum of one hundred pounds, and so in proportion for any greater or less sum, that is or shall be insured by any person or persons, in or by any policy of insurance for insuring houses, goods, wares, merchandizes, or other property, from loss by fire: and whereas it is thought expedient to exempt all policies for insuring foreign property from loss by fire from the said yearly duty; be it therefore enacted, That, from and after the fifth day of July, one thousand seven hundred and eighty-six, the said yearly rate or duty upon all sums of money that are or shall be insured by any person or persons, in or by any policy of insurance made in Great Britain, for insuring of any house or houses, furniture, goods, wares, merchandizes, or other property, within any foreign kingdom or state in amity with his Majesty, his heirs or successors, shall cease and determine, and be no longer paid or payable; any thing in the said recited act contained to the contrary thereof notwithstanding.*

Unappropriated duties, etc. in the hands of the receiver general for stamps, to be carried to the sinking fund.

X. *And whereas there are in the hands of the receiver general of the stamp duties several small sums of money received by him on account of duties and penalties, not applicable, by any law now in force, to any particular use or purpose, and which cannot be paid into the receipt of the exchequer under any head of account; be it therefore enacted, That all such sums of money as are now in the hands of the said receiver general of the stamp duties shall be paid by him into the receipt of the exchequer, and the money so paid in shall be carried to, and made part of, the fund commonly called The Sinking Fund.*

Clause of 23 Geo. 3. c. 58, relative to stamps on transfers of stock, recited,

XI. *And whereas by an act, passed in the twenty-third year of the reign of his present Majesty, intituled, An act for granting to his Majesty several additional and new duties upon stamped vellum, parchment, and paper; and also for repealing certain exemptions from the stamp duties, it was enacted, That, for every skin or piece of parchment, or sheet or piece of paper, upon which*

which shall be engrossed or written any transfer of stock in any company, society, or corporation within Great Britain, there shall be charged an additional stamp duty of two shillings and three-pence: and whereas doubts have arisen whether transfers or assignments of the stocks, or of any share or part of the capital stocks, in the books of the governor and company of the bank of England, commonly called Bank Stock, and of the governor and company of merchants of Great Britain trading to the South Seas, and other parts of America, and for encouraging the fishery, are not made subject or liable to pay the said additional stamp duty, it is hereby enacted and declared, That no transfer or assignment of the said stocks, or of any part or share therein respectively, in the respective books of the said companies, are or shall be liable to any higher or greater stamp, or other duties, than were payable for any transfer or assignment of any share or part in or of the said stocks before the passing the said act, or shall be deemed or construed so to be or to have been, any thing in the said act to the contrary notwithstanding.

which is not to extend to transfers of Bank or South Sea Stock.

XII. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued, molested, or prosecuted for any thing by him or them done or executed in pursuance of this act, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if, upon the trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

General issue.

Treble costs.

C A P. LXXXIII.

An act to explain and amend an act, passed in the seventh year of the reign of his present Majesty, to prevent frauds and abuses in the admeasurement of coals, sold by wharf measure, within the city of London and the liberties thereof, and between Tower Dock and Limehouse Hole, in the county of Middlesex.

WHEREAS an act was passed in the seventh year of the reign of his present Majesty King George the Third, to prevent frauds and abuses in the admeasurement of coals, sold by wharf measure, within the city of London and the liberties thereof, and between Tower Dock and Limehouse Hole, in the county of Middlesex; which act was to continue in force for fourteen years: and whereas the term of the said act was, by an act passed in the seventeenth year of the reign of his said present Majesty, continued until the first day of June, which will be in the year of our Lord one thousand seven hundred and ninety-eight, and from thence to the end of the then next session of parliament: and whereas the said act of the seventh year of the reign of his said present Majesty hath been useful, and productive of much benefit to the publick, but might be rendered still more so, if the same was explained and amended, and some further provisions made for preventing inconveniences, which

Preamble.

7 Geo. 3, c.

17 Geo. 3.

c. 13.

were

7 Geo. 3. c. 23,

except where
altered by
this act,to continue
in force.

were not foreseen, nor sufficiently provided against by the said former act; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act of the seventh year of the reign of his present Majesty, and continued by the subsequent act of the seventeenth year of the reign of his said present Majesty, and all the powers, penalties, forfeitures, remedies, provisions, rules, orders, directions, clauses, matters, and things, given, granted, ordered, appointed, prescribed, inserted, and contained therein, (other than and so far as the same, or any of them, are respectively varied, altered, explained, rendered unnecessary, or otherwise provided for, by this present act) shall be exercised, practised, used, enforced, and put in execution, during the continuance, and for the purposes of this present act, in as full, extensive, and beneficial manner, to all intents and purposes, as if the said powers, penalties, forfeitures, remedies, provisions, rules, orders, directions, clauses, matters, and things were particularly expressed and again enacted in the body of this present act; and also, that this act shall take effect, continue, and be in force, from the twenty-fourth day of *July*, one thousand seven hundred and eighty-six, until the said first day of *June*, which will be in the year of our Lord one thousand seven hundred and ninety-eight (being the remainder now to come and unexpired of the term granted by the said recited act of the seventeenth year of the reign of his present Majesty) and from thence to the end of the then next session of parliament.

For appoint-
ing labour-
ing coal-
meters.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the principal land coal-meters, within the limits of this act, or any one of them, and they, or any one of them, are and is hereby authorized, directed, and required to appoint, from time to time, a sufficient number of persons to be labouring coal-meters, within the said limits; one or more of which said labouring coal-meters shall attend every day (*Sundays* excepted) at such of the coal wharfs, warehouses, or other places of sale, within the limits aforesaid, at which he or they shall be stationed by the principal land coal-meters, or any one of them, during the continuance of this act, at such times as is required by the wharfinger, or dealer in coals, where such meter or meters is or are stationed, to measure out, or see measured, the coals which shall, from time to time, be sold at any of the wharfs, warehouses, or places, where such labouring coal-meters shall be so stationed as aforesaid.

III. And whereas, by the said act passed in the seventh year of his present Majesty, it is enacted, That no person shall be capable of acting as one of the labouring coal-meters to be appointed under the said act, until he shall take an oath, that he will truly and impartially measure all coals, between buyer and seller, without favour or hatred:

hated: and whereas it hath been found very difficult to comply there- with; be it therefore enacted by the authority aforesaid, That the form of the oath required by the said act to be taken shall be, and the same is hereby repealed: and no person appointed, or to be appointed, under the authority of this and the said act, shall be capable of acting as one of the labouring coal-meters, until he shall, before one or more of his Majesty's justices of the peace for the said city of London (who is and are hereby au- thorised and required to administer the same gratis), take and subscribe an oath, or affirmation, in the words, or to the effect following; to wit:

I A. B. *do swear, [or, being of the people called Quakers, do solemnly affirm], That I will duly and faithfully, to the best of my skill and knowledge, execute the office of one of the labouring coal-meters for the city of London, and the several wharfs situate be- tween the tower of London and Limehouse Hole, in the county of Middlesex; and that I will truly and impartially measure, or see measured, all coals, between buyer and seller, without favour or hatred.*

New oath,
So help me GOD.

IV. And be it further enacted by the authority aforesaid, That upon notice in writing, or otherwise, being given to any of the labouring coal-meters appointed and qualified, or to be appointed and qualified, by virtue of this and the said recited act of the seventh year of the reign of his present Majesty, or left at the principal land coal-meter's office, for a labouring coal-meter or meters to attend at any wharf, warehouse, or place within the limits of this act, to be named in such notice, in order to measure, or see measured, the coals of the person giving the notice, such labouring coal-meter or meters shall attend, pursuant to such notice, within the space of one hour from the time of giving the same, or sooner if possible, and do his or their duty according to the intent and meaning of this and the said recited act; and in case of neglect or refusal to at- tend accordingly, such labouring coal-meter or meters shall, for every such offence, forfeit and pay the sum of twenty shil- lings each; and the principal land coal-meters or coal-meter, neglecting to send such labouring coal-meter or meters as aforesaid, shall, for every such offence, forfeit and pay the like sum of twenty shillings.

V. And be it further enacted by the authority aforesaid, That if any cart or carts loaded, or in which any quantity of coals, exceeding seventeen bushels, shall be sent or driven, from any wharf, warehouse, or place situate within the limits of this act, without having been measured under the inspection of the said principal land coal-meters; or coal-meter, or of such labouring coal-meter, or without having first obtained such ticket as aforesaid, that then, and in every such case, the vendor of the said coals, being convicted thereof by the oaths (or, being of the people called *Quakers*, by affirmation) of two

or

or more witneffes, before one or more of his Majesty's juftices of the peace for the faid city of *London*, or the county of *Middlefex*, fhall, for every fuch offence, forfeit and pay the fum of ten pounds.

Sacks not to be fealed, or marked, which fhall not be full 4 feet 4 inches long, and 26 inches broad.

VI. And be it further enacted by the authority aforefaid, That, from and after the faid twenty-fourth day of *July*, one thousand feven hundred and eighty-fix, no facks to be made ufe of for the carriage of coals, within the limits of this act, which fhall not be full four feet four inches in length, and full twenty-fix inches in breadth, after they are made, fhall be fealed or marked, at any office or offices, or by any officer or officers appointed or to be appointed for the purpofe of fealing and marking fuch facks, by any law now in being refpecting the fame.

Dimensions of facks.

VII. And it is hereby further enacted by the authority aforefaid, That if any wharfinger or carrier of coals fhall, at any time or times hereafter, during the continuance of this act, make ufe of any fack or facks for the carrying of coals, within the limits of this act, of lefs dimensions than four feet in length, and two feet in breadth; or fhall wilfully make, or procure to be made or ufed, any falfe bufhel or other meafure, and be convicted thereof by the oaths (or, being of the people called *Quakers*, by affirmation,) of two or more credible witneffes, before one or more of his Majesty's juftices of the peace for the faid city of *London*, or the faid county of *Middlefex*, he fhall, for every fuch offence, forfeit and pay the fum of five pounds.

Penalty on labouring me-ter delivering falfe tickets;

VIII. And it is hereby further enacted by the authority aforefaid, That if any labouring coal-meter, appointed and qualified, or to be appointed and qualified, purfuant to this and the faid recited act of the feventh year of the reign of his prefent Majesty, fhall, at any time or times hereafter, during the continuance of this act, deliver a falfe or counterfeit ticket to any dealer, confumer, carman, or other perfon, with intent to pre-judice or defraud any perfon or perfons whomfoever; or fhall take or receive from any dealer in coals any fum or fums of money, fee, reward, or gratuity whatfoever, over and befides the four-pence per chaldron, by the faid recited act of the feventh year of the reign of his prefent Majesty enacted and allowed to be taken for the metage charge; or if any fuch labouring coal-meter, fhall wilfully make, permit or fuffer to be made, falfe meafure of coals, or fhall deliver a ticket for any quantity of coals, the whole of which he fhall not have feen meafured, at any place or places within the faid limits, and fhall be, in any or either of the faid cafes, convicted thereof by the oaths (or, being of the people called *Quakers*, by affirmation) of two or more credible witneffes, before one or more of his Majesty's juftices of the peace for the faid city of *London*, or the faid county of *Middlefex*, he fhall be rendered incapable of ever ferving thereafter in the office of a land coal-meter; and the principal land coal-meters or coal-meter for the time being fhall, for every fuch offence of fuch labouring coal-meters, fo

or receiving any other gratuity befides 4 d. per chaldron;

or making falfe meafure; or delivering any ticket for coals he did not fee meafured.

convicted as aforesaid, forfeit and pay the sum of forty shillings.

IX. Provided always, and be it further enacted by the authority aforesaid, That if the driver of any cart or carriage with coals loaded therein, from any wharf, warehouse, or place, within the limits of this act, or any person belonging thereto or employed therewith, shall take or deliver, or suffer to be taken or delivered, from such cart or carriage, any coals under his care, otherwise than to or for the use of the owner or owners, purchaser or purchasers thereof, and shall be thereof convicted, every such person shall, for every such offence, forfeit and pay the sum of forty shillings; and in case of non-payment thereof, every such offender shall and may be committed, by warrant under the hand and seal, or hands and seals, of the justice or justices before whom such conviction shall be had, to the common gaol of and for the city of *London*, or the county of *Middlesex*, there to remain for any time not exceeding three calendar months, nor less than one calendar month, unless the said penalty or forfeiture be sooner paid and satisfied.

Penalty on carman taking or permitting coals to be taken out of his cart.

X. Provided also, and be it further enacted by the authority aforesaid, That if any person shall be dissatisfied with, or think himself or herself aggrieved by or in the measure of any coals sold to him or her by wharf measure, within the limits aforesaid, and shall, upon delivery to him or her of the meter's ticket accompanying such coals, signify his or her desire to have the same re-measured, then, and in every such case, the carman, or driver of the cart or other carriage in which the said coals shall be brought, shall continue at the house or lodging of the purchaser of the said coals, with the said coals, and the said cart or carriage, until they are re-measured, under the penalty of five pounds on the owner or proprietor, and twenty shillings on the driver of the said cart or carriage; and the said purchaser shall immediately send, or cause to be sent, to the vendor of the said coals, or to his or her wharf, warehouse, or place, notice in writing that the said coals are going to be re-measured, and also send notice thereof to the land coal-meter's office; and thereupon a principal meter, or one of the labouring meters, (not being the meter under whose inspection the said coals were originally measured), shall, within the space of two hours next after such notice in writing left at the land coal-meter's office aforesaid, attend to re-measure the said coals, and shall accordingly re-measure the same, sack by sack, in the presence of the vendor and purchaser of the said coals, or their agents or servants, if any of them shall attend, and desire to see the same re-measured, and also in the presence of one of the principal or labouring land coal-meters of or for the city and liberty of *Westminster*, or of or for that part of the county of *Surrey* lying between *Putney* and *Rotherhithe*, if such purchaser shall think proper to require the attendance of such last-mentioned coal-meter; who shall, and is hereby directed and required to attend accordingly within the space of two hours after notice in writing left at such last-mentioned coal-meter's office; and in case

Persons dissatisfied may have coals re-measured,

driver to continue with the coals and cart till re-measured, under penalty of 5l. on the owner, and 20s. on the driver. Purchaser to send notice in writing to vendor and meter.

Purchasers to pay 6d. per chaldron for re-measuring.

And if, on re-measurement, coals prove deficient, the vendor to pay 5l. for every bushel, and forfeit the coals, &c.

The coal porters who measured to forfeit 2s. 6d. a bushel.

Penalties and forfeitures to be recovered and applied, as directed by 7 Geo. 3. c. 23.

Publick act.

such last-mentioned coal-meters or coal-meter shall neglect or refuse to attend pursuant to such notice, he or they shall, for every such offence, forfeit and pay the sum of five pounds: for which re-measurement the purchaser shall pay the principal coal-meters or coal-meter, appointed or to be appointed by or in pursuance of the said recited act of the seventh year of the reign of his present Majesty, and also such other land coal-meter from the city and liberty of *Westminster*, or from that part of the county of *Surrey* aforesaid, as shall attend such re-measurement, the sum of six-pence each, for every chaldron of coals so re-measured; and in case the coals thus re-measured shall not amount to the quantity for which they were sold, then the vendor of such coals shall forfeit and pay, for every bushel of coals found deficient, the sum of five pounds, and also forfeit every chaldron of coals so found deficient or wanting in measure, to and for the use of the poor of the parish where the said coals shall be so re-measured; and the labouring meter, under whose inspection the coals were first measured, shall, for every bushel so deficient, forfeit and pay the sum of five pounds, which sum, if not paid within five days next after conviction, shall and may be recovered from the persons or person executing the office of principal land coal-meter for the time being: and the coal porters, who shall measure the same for the vendor thereof, shall, for every bushel of coals so wanting, forfeit and pay the sum of two shillings and sixpence.

XI. And be it further enacted and declared by the authority aforesaid, That the several penalties and forfeitures imposed and to be incurred by virtue of and under this act, shall be recovered and applied in such and the same manner as the penalties and forfeitures, inflicted and directed to be levied by the said recited act of the seventh year of the reign of his present Majesty, are thereby ordered, directed, and appointed to be levied, recovered, and applied, respectively.

XII. And be it further enacted by the authority aforesaid, That this act shall be deemed, judged, and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

C A P. LXXXIV.

An act to empower the archbishop of Canterbury, or the archbishop of York, for the time being, to consecrate to the office of a bishop, persons being subjects or citizens of countries out of his Majesty's dominions.

Preamble.

WHEREAS, by the laws of this realm, no person can be consecrated to the office of a bishop without the King's licence for his election to that office, and the royal mandate under the great seal for his confirmation and consecration: and whereas every person who shall be consecrated to the said office is required to take the oaths of allegiance and supremacy, and also the oath of due obedience to the archbishop:

archbifhop : and whereas there are divers perfons, fubjects or citizens of countries out of his Majesty's dominions, and inhabiting and refiding within the faid countries, who profefs the publick worfhip of Almighty God, according to the principles of the church of England, and who, in order to provide a regular fucceffion of minifters for the fervice of their church, are defirous of having certain of the fubjects or citizens of thofe countries confecrated bifhops, according to the form of confecration in the church of England: be it enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That, from and after the paffing of this act, it fhall and may be lawful to and for the archbifhop of *Canterbury*, or the archbifhop of *York*, for the time being, together with fuch other bifhops as they fhall call to their affiftance, to confecrate perfons, being fubjects or citizens of countries out of his Majesty's dominions, bifhops, for the purpofes aforefaid, without the King's licence for their election, or the royal mandate, under the great feal, for their confirmation and confecration, and without requiring them to take the oaths of allegiance and fupremacy, and the oath of due obedience to the archbifhop for the time being.

II. Provided always, That no perfons fhall be confecrated bifhops in the manner herein provided, until the archbifhop of *Canterbury*, or the archbifhop of *York*, for the time being, fhall have firft applied for and obtained his Majesty's licence, by warrant under his royal fignet and fign manual, authorifing and empowering him to perform fuch confecration, and expreffing the name or names of the perfons fo to be confecrated, nor until the faid archbifhop has been fully afcertained of their fufficiency in good learning, of the foundnefs of their faith, and of the purity of their manners.

III. Provided alfo, and be it hereby declared, That no perfon or perfons confecrated to the office of a bifhop in the manner aforefaid, nor any perfon or perfons deriving their confecration from or under any bifhop fo confecrated, nor any perfon or perfons admitted to the order of deacon or prieft by any bifhop or bifhops fo confecrated, or by the fucceffor or fucceffors of any bifhop or bifhops fo confecrated, fhall be thereby enabled to exercife his or their refpective office or offices within his Majesty's dominions.

IV. Provided always, and be it further enacted, That a certificate of fuch confecration fhall be given under the hand and feal of the archbifhop who confecrates, containing the name of the perfon fo confecrated, with the addition, as well of the country whereof he is a fubject or citizen, as of the church in which he is appointed bifhop, and the further defcription of his not having taken the faid oaths, being exempted from the obligation of fo doing by virtue of this act.

The archbifhop of *Canterbury* or *York*, with fuch other bifhops as they fhall think fit to affift, may confecrate fubjects of foreign ftates bifhops, without the king's licence for the election, or requiring them to take the ufual oaths;

but not without firft obtaining his Majesty's royal licence for performing the confecration, &c.

No perfons fo confecrated, &c. thereby enabled to exercife their offices in his Majesty's dominions.

Certificate of confecration to be given by the archbifhop, &c.

C A P. LXXXV.

An act to revive, continue, and amend fo much of an act, made in the fíxth year of the reign of his prefent Majefty, intituled, An act for allowing a bounty on the exportation of Britifh made cordage, and for difcontinuing the drawbacks upon foreign rough hemp exported, as relates to allowing a bounty on the exportation of Britifh made cordage.

Preamble.

WHEREAS the law herein-after mentioned, which hath, by experience, been found ufeful and beneficial, is expired, and it is expedient that fo much thereof as relates to allowing a bounty on the exportation of Britifh made cordage, be revived and continued, fubjeét to the alterations and amendments herein made; be it therefore enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That an act made in the fíxth year of the reign of his prefent Majefty, intituled, *An act for allowing a bounty on the exportation of Britifh made cordage, and for difcontinuing the drawbacks upon foreign rough hemp exported*, which was to be in force from the fíft day of July, one thoufand feven hundred and fíxty-fíx during the term of five years, and from thence to the end of the then next feffion of parliament; and which, by another act, made in the twelfth year of the reign of his prefent Majefty, was amended and further continued for the term of three years; and which, by another act, made in the fourteenth year of the reign of his prefent Majefty, was further continued for the term of three years, and from thence to the end of the next feffion of parliament; and which, by another act, made in the feventeenth year of the reign of his prefent Majefty, was further continued for the term of four years, and from thence to the end of the then next feffion of parliament; fo far as the fame relates to allowing a bounty upon the exportation of *Britifh* made cordage, fhall, from and after the paffing of this act, be revived, and the fame is hereby revived, and fhall continue in full force and effect for the further term of four years, and from thence to the end of the then next feffion of parliament, fubjeét to the feveral amendments, alterations, regulations, and reftriétions, herein-after provided and expreffed.

6 Geo. 3. c. 45,
as far as re-
lates to grant-
ing a bounty
on exportation
of Britifh
made cordage,
to be revived,
and continued
for four years:

but no bounty
to be paid for
cordage made
from American
hemp, nor
for any what-
ever under 3
tons weight.

Owner to
make oath

II. Provided always, and it is hereby further enacted by the authority aforefaid, That no bounty fhall be allowed or paid, to any perfon or perfons whatever, by virtue of this act, upon the exportation of cordage wrought up and manufactured in *Great Britain* from hemp of the growth of the *Britifh* colonies or plantations in *America*, or of the united ftates of *America*, nor for any cordage whatever which fhall be exported, unlefs the quantity thereof fhall be three tons weight at the leaft.

III. And be it further enacted by the authority aforefaid, That, upon the entry of fuch cordage for exportation, in order to obtain the bounty, the exporter thereof fhall make oath that the

the fame is really and truly intended to be exported as merchandize, and not for the ufe of the fhip during her then voyage, or any future voyage; and the mafter, or other perfon having or taking the charge or command of the fhip or vefel in or on board of which fuch cordage fhall be intended to be exported, fhall join in the bond required to be given for the due exportation of fuch cordage, or, on failure thereof, no bounty fhall be allowed or paid on the exportation thereof.

IV. And be it further enacted by the authority aforefaid, That nothing in this act, or any other act or acts of parliament contained fhall extend, or be conftrued to extend, to difallow the bounty on the due exportation of fuch cordage to any foreign port or place whatever, except the *Ife of Man*, but that the fame fhall be, and is hereby directed and required to be paid on fuch exportation, other than to the *Ife of Man*.

V. And be it further enacted by the authority aforefaid, That every fhip or vefel, on board of which any cordage fhall be fhipped for exportation, in order to obtain the bounty hereinbefore granted, fhall, and is hereby required to have on board (over and above the quantity entered for exportation) a fufficient quantity of cordage for the ufe of fuch fhip or vefel, according to the nature of the voyage, for which no bounty fhall be allowed; and fuch fhip or vefel, before clearing at any port of this kingdom, fhall be vifited by the proper officer or officers of the customs at fuch port, who fhall not permit or fuffer her to fet fail on her voyage, if it fhall appear that there is not on board a fufficient quantity of cordage for the ufe of fuch fhip or vefel, independent of, and befides the quantity entered for the bounty; and fuch officer or officers fhall be, and is and are hereby authorized and required to detain fuch fhip or vefel, and to prevent her from failing upon her intended voyage, until there fhall be provided a fufficient quantity of cordage for the ufe of fuch fhip or vefel, according to the nature of the voyage on which fuch fhip or vefel fhall be intended to proceed, befides the cordage entered as aforefaid for exportation, in order to obtain the bounty.

VI. And, in order to prevent any inconvenience which may arife by encouraging the exportation of cordage, be it further enacted by the authority aforefaid, That no entry fhall be permitted to pafs for the exportation of any fuch cordage, or the vefel having on board fuch cordage be permitted to go out of port, unlefs a certificate fhall be produced, under the hands of the commissioners of his Majesty's navy, or any three or more of them, fignifying that fuch cordage hath been tendered to them for the ufe of his Majesty's dock yards, at the fair and then market price of fuch cordage in *London*, and that the fame hath been refufed by that board; and if any perfon or perfons fhall pafs any entry for fuch cordage, without having fuch certificate produced to him or them, fuch perfon or perfons fhall forfeit and lofe the fum of one hundred pounds.

that the cordage is really intended for exportation, and the mafter of the fhip to join in the bond to be given on the occafion.

Bounty on exportation of cordage to foreign places to be continued.

If vefels have not a fufficient quantity of cordage for their ufe, over the quantity fhift for exportation, the officers to detain them.

No cordage to be exported without a certificate that it has been refufed by the navy board.

Perfons paffing entries without fuch certificate, to forfeit rool.

C A P. LXXXVI.

An act to explain and amend an act, made in the feventh year of his late Majesty's reign, intituled, An act to fettle how far owners of fhips fhall be anfwerable for the acts of the mafters or mariners; and for giving a further relief to the owners of fhips.

Preamble.
Act. 7 Geo. 2.
c. 15, recited.

WHEREAS, by an act made in the feventh year of the reign of his late majesty King George the Second, intituled, An act to fettle how far owners of fhips fhall be anfwerable for the acts of the mafters or mariners, it is amongst other things enacted, That no owner or owners of any fhip or vefel fhould be liable to anfwer for or make good to any perfon or perfons, any lofs or damage by reafon of any embezzlement, fecreting, or making away with (by the mafter or mariners, or any of them) of any gold, filver, diamonds, jewels, precious ftones, or other goods or merchandize, which fhould be fhipped on board any fhip or vefel, or for any act, matter, or thing, damage or forfeiture, done, occafioned, or incurred by the faid mafter or mariners, or any of them, without the privity and knowledge of fuch owner or owners, further than the value of the fhip or vefel, with all her appurtenances, and the full amount of the freight due or to grow due for and during the voyage wherein fuch embezzlement, fecreting, or making away with, or other malverfation of the mafter or mariners, fhould be made, committed, or done: and whereas all mafters or captains, and owners of fhips or vefels, are by law refpectively fubject or liable to anfwer for or make good to any perfon or perfons, the full value and amount of any goods or merchandize by fuch perfon or perfons fhipped or put on board any fhip or vefel, notwithstanding fuch goods or merchandize be loft by robbery, fire, or other accident (other than by the King's enemies, the perils of the fea, or the act of God), or unlefs the mafter or fome of the fhip's company are privy to fuch robbery, in which cafe alone the refponfibility of the owners is by the faid act limited to the value of the fhip and full amount of the freight: and whereas it is of the utmoft confequence and importance to the general welfare of this kingdom, to promote the increafe of the number of fhips and vefels, and to prevent any difcouragement to merchants and others from being interefted and concerned therein, which is likely to happen from the refponfibility to which they are now expofed, notwithstanding the falutary intention of the faid act: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's moft excellent majesty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That no perfon or perfons, who is, are, or fhall be owner or owners of any fhip or vefel, fhall be fubject or liable to anfwer for or make good, to any one or more perfon or perfons, any lofs or damage by reafon of any robbery, embezzlement, fecreting, or making away with, of any gold, filver, diamonds, jewels, precious ftones, or other goods or merchandize, which, from and after the firft day of September, one thoufand feven hundred and eighty-fix, fhall be fhipped,

Owners of fhips not liable for any lofs of goods fhipped without their privity, further than the value of the vefel,

shipped, taken in, or put on board any ship or vessel, or for any act, matter, or thing, damage or forfeiture, done, occasioned, or incurred, from and after the passing of this act, without the privity and knowledge of such owner or owners, further than the value of the ship or vessel, with all her appurtenances, and the full amount of the freight due or to grow due for and during the voyage wherein such robbery, embezzlement, secreting, or making away with, as aforesaid, shall be made, committed, or done, although the master or mariners shall not be in any wise concerned in or privy to such robbery, embezzlement, secreting, or making away with; any law, usage, or custom, to the contrary thereof in any-wise notwithstanding.

and the freight, after Sept. 1, 1786;

II. And be it further enacted by the authority aforesaid, That no owner or owners of any ship or vessel shall be subject or liable to answer for or make good, to any one or more person or persons, any loss or damage which may happen to any goods or merchandize whatsoever, which, from and after the first day of *September*, one thousand seven hundred and eighty-six, shall be shipped, taken in, or put on board any such ship or vessel, by reason or means of any fire happening to or on board the said ship or vessel.

nor for any loss occasioned by fire on board:

III. *And whereas disputes may arise, whether the owners or masters of ships are liable to answer or make good the value or amount of any gold, silver, diamonds, watches, jewels, or precious stones, which may be lost after the same have been put on board their ships on freight, without the shippers thereof declaring at the time the value of such goods;* be it therefore enacted by the authority aforesaid, That no master, owner or owners, of any ship or vessel, shall be subject or liable to answer for, or make good, to any one or more person or persons, any loss or damage which may happen to any gold, silver, diamonds, watches, jewels, or precious stones, which, from and after the passing of this act, shall be shipped, taken in, or put on board any such ship or vessel, by reason or means of any robbery, embezzlement, making away with, or secreting thereof, unless the owner or shipper thereof shall, at the time of shipping the same, insert in his bill of lading, or otherwise declare in writing to the master, owner or owners, of such ship or vessel, the true nature, quality, and value of such gold, silver, diamonds, watches, jewels, or precious stones.

nor for loss of gold, etc. unless at the time of shipping declaration be made of the value, etc.

IV. And be it further enacted by the authority aforesaid, That if several freighters or proprietors of any such gold, silver, diamonds, jewels, precious stones, or other goods or merchandize, shall suffer any loss or damage by any of the means aforesaid, in the same voyage (fire only excepted), and the value of the ship or vessel, with all her appurtenances, and the amount of the freight due or to grow due during such voyage, shall not be sufficient to make full compensation to all and every of them, then such freighters or proprietors shall receive their satisfaction thereout in average, in proportion to their respective

If produce of ship, etc. be insufficient to answer losses, it is to be proportionally divided among the losers.

Freighters and owners of veffels may exhibit bills in equity for difcovery of amount of loffes and value of veffels, etc.

loffes or damages: and in every fuch cafe, it fhall and may be lawful to and for fuch freighters or proprietors, or any of them, on behalf of himfelf and all other fuch freighters or proprietors, or to and for the owners of fuch fhip or veffel, or any of them, on behalf of himfelf and all the other part owners of fuch fhip or veffel, to exhibit a bill in any court of equity for a difcovery of the total amount of fuch loffes or damages, and alfo of the value of fuch fhip or veffel, appurtenances, and freight, and for an equal diftribution and payment thereof amongst fuch freighters, or proprietors, in proportion to their refpective loffes or damages, according to the rules of equity: provided always, That if any fuch bill fhall be exhibited by or on the behalf of the part owners of fuch fhip, the plaintiff or plaintiffs fhall annex an affidavit to fuch bill or bills, that he or they do not collude with any of the defendants thereto; and fhall thereby offer to pay the value of fuch fhip or veffel, appurtenances, and freight, as fuch court fhall direct; and fuch court fhall thereupon take fuch method for afcertaining fuch value as to them fhall feem juft, and fhall direct the payment thereof in like manner as is now ufed and praftifed in cafes of bills of interpleader.

Act not to leffen the remedy againft mafters and mariners for embezzlement, etc.

V. Provided always, and it is hereby declared and enacted, That nothing in this prefent act contained fhall extend, or be conftrued to extend, to impeach, leffen, or difcharge any remedy which any perfon or perfons now hath, or fhall or may hereafter have, againft all, every, or any the mafter and mariners of fuch fhip or veffel, for or in refpect of any embezzlement, fecreting, or making away with, any gold, filver, diamonds, jewels, precious ftones, or merchandize, fhipped or loaded on board fuch fhip or veffel, or on account of any fraud, abufe, or malverfation of and in fuch mafter and mariners refpectively; but that it fhall and may be lawful to and for every perfon or perfons fo injured or damaged, to purfue and take fuch remedy for the fame, againft the faid mafter and mariners refpectively as he or they might have done before the making of this act.

Publick act.

VI. And be it further enacted, That this act fhall be a publick act; and be judicially taken notice of as fuch, by all judges, juftices, and other perfons whomfoever, without the fame being fpecially pleaded.

C A P. LXXXVII.

An act for appointing commissioners to enquire into the ftate and condition of the woods, forefts, and land revenues, belonging to the crown; and to fell or alienate fee-farm, and other unimproveable rents.

Preamble.

1 Geo. 3. c. 1,
recited in
part.

WHEREAS, under and by virtue of the provifions contained in an act of the firft year of your Majefty's reign, intituled, An act for the fupport of his Majefty's houfhould, and of the honour and dignity of the crown of Great Britain, the monies arifing

arising by rents of lands, and fines for leases of the same, and the monies arising from the small branches and revenues in the said act mentioned (except the revenue of the dutchy of Cornwall) are directed, during your Majesty's life, to be carried to, and made part of the general or aggregate fund established by an act of the first year of the reign of King George the First, and applied as part of the said fund: and whereas your Majesty is seized of several extensive forests, chases, parks, warrens, marshes, fens, derelict lands, and wastes, situate in England and Wales, which are capable, under proper regulations, of being improved and rendered more beneficial to your Majesty and to the publick: and whereas your Majesty, from a tender regard and concern for the welfare of your people, hath been graciously pleased to express your desire, that an enquiry should be made into the state and condition of the woods, forests, and land revenues belonging to the crown, in order that the same may be rendered as beneficial and productive as possible, and hath recommended to your parliament to take this object into their consideration, and to make such provision thereupon as they should judge to be most for the publick benefit: we, therefore, your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, of Great Britain, in parliament assembled, having taken your Majesty's most gracious message into our serious consideration, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, sir Charles Middleton baronet, John Call esquire, and Arthur Holdsworth esquire, shall be, and are hereby constituted commissioners for examining and enquiring into the state, management, produce, and expediture of the said rents of lands, and fines for leases of the same, and other monies arising from the said small branches of revenue herein-before mentioned; and into the state, produce, management, extent, and value, of all the honours, castles, lordships, forests, chases, parks, warrens, manors, royalties, seigniories, messuages, wills, demesne and other lands, tenements, tythes, mines, minerals, collieries, woods, wood grounds, fens, marshes, derelict and waste lands, and services, within the survey of his Majesty's exchequer, and appertaining and belonging to the crown of Great Britain, situate and being in England and Wales, or either of them; and into all such subsisting leases, patents, and other grants of the said honours and premises respectively, as contain any express saving, exception, or reservation to the crown, of any rights or interests, in possession, reversion, or contingency; and into all and all manner of rights and privileges claimed, exercised, or enjoyed, within, over, and upon his Majesty's said forests, chases, parks, warrens, woods, fens, marshes, and derelict and waste lands respectively; and into all subsisting offices, places, and employments, established or created for the management of the said forests, chases, parks, and other the landed estates, land revenues, and small branches a-

Commissioners appointed,

who are to make enquiry, and report to his Majesty and parliament their profefs.

foresaid, refpectively, or in anywife connected therewith, and the annual expence of the fame: and the faid commissioners fhall, and they are hereby required to take into their confideration the information which they fhall procure or receive upon fuch examinations and enquiries, and within fourteen days after the commencement of every feflion of parliament, and from time to time, when and fo often as they conveniently can or may, (and without any fpecial or other requifition to be made to them for that purpofe), certify and report in writing, under their hands and feals, unto the King's majefty and both houfes of parliament, what profefs they fhall have made in the execution of the trusts and powers of this act, together with fuch obfervations as fhall occur to them, and fuggelt fuch plans, rules, regulations, means, and methods, for the difpofal and alienation, or for the future management and improvement of the faid landed eftates and poffeffions, and for the protection, increafe, and fupply of timber on the faid forefts, chafes, and other lands of the crown, for the ufe of the royal navy, or for redreffing any abufes in the management of the faid landed eftates, and the collection and due answering of the revenues of the fame, or other fmall branches of revenues aforefaid, as the faid commissioners fhall think beft calculated for rendering the faid landed eftates and poffeffions of the crown, and the revenues arifing therefrom, and other fmall branches aforefaid, moft productive and advantageous to his Majefty and the publick.

Commissioners to take the oath following:

II. And be it further enacted by the authority aforefaid, That the faid commissioners, before they fhall be capable of acting in the execution of this act, fhall feverally take and fubfcribe an oath, before the chancellor of the exchequer, or the chief baron or one of the other barons of the court of exchequer, to the effect following; (that is to fay):

Form of oath.

I A. B. *do fwear, That I will faithfully, impartially, and honeftly, according to the beft of my fkill and judgement, execute the feveral powers and trusts reposed in me by an act of the twenty-fifth year of the reign of his majefty King George the Third, intituled, An act for appointing commissioners to enquire into the ftate and condition of the woods, forefts, and land revenues, belonging to the crown; and to fell or alienate fee farm and other unimproveable rents according to the tenor and purport of the faid act.*

So help me G O D.

Commissioners to meet where they think moft convenient, examine witneffes upon oath, appoint officers, &c.

Which oath, fo taken and fubfcribed, fhall be filed of record in the office of the King's remembrancer of the faid court.

III. *And for the better execution of this act,* be it further enacted, That the faid commissioners fhall have power to meet and fit, from time to time, in fuch place or places as they fhall find moft convenient, with or without adjournment; and to fend their precept or precepts, under their hands and feals, for fuch witneffes as they fhall think neceffary to examine, for the better

ter difcovery and finding out any of the matters or things by this act directed to be enquired and examined into by them, and to examine fuch witneffes, upon oath, touching and concerning fuch difcovery and difclore (which oath they are hereby authorized to adminifter); and alfo fhall and may appoint and employ fo many clerks and officers, and allow them, with the confent and approbation of the lord high treafurer, or the commiffioners of the treafury, for the time being, in writing, under his or their hand or hands, fuch reasonable falaries as the faid commiffioners appointed by this act fhall think meet; and fhall and may give and adminifter to every of fuch clerks and officers an oath, for his true and faithful demeanor in all things relating to the due performance of the trusts reposed in him by the faid commiffioners, and in all other things touching the premises; and from time to time, at their difcretion, to difmifs and difcharge fuch clerks and officers, and appoint others in their place: and the faid clerks and officers are hereby required faithfully to execute and perform the faid trusts in them feverally and refpectively reposed, without taking any thing for fuch fervice, other than fuch falaries as the faid commiffioners fhall direct and appoint, and fuch fees as they fhall be authorized to take by virtue of this act: provided always, that if the faid commiffioners fhall require the attendance of any perfon or perfons, for the purpose of procuring any information by this act directed to be procured, and fuch perfon or perfons fhall be called for that purpose from his or their ufual place or places of refidence, the faid commiffioners fhall, at their difcretion, make a reasonable fatisfaction to fuch perfon and perfons for his and their time and expences on thofe occafions.

and may make fatisfaction to witneffes for fuch expences.

IV. *And, for the better accomplifhment of the purposes aforefaid,* be it further enacted, That the faid commiffioners fhall have full power and authority to call before them the feveral furveyors, auditors, and receivers of the faid feveral revenues, and their deputies, and all other officers and perfons concerned in the management, collection, and receipt thereof, and to examine them upon oath, (which oath the faid commiffioners are hereby authorized to adminifter,) touching or concerning the faid eftates, poffeffions, and revenues, and every or any part of the fame, and the extent, ftate, and value thereof, or any fees, falaries, ftipends, annuities, or other payments, iffuing out of the fame, or chargeable thereon, or touching or concerning any other matter or thing relating to the premises aforefaid; and further, that the faid commiffioners fhall have full power and authority to perufe, infpect, and have copies of all and fingular the furveys, maps, plans, rentals, inquisitions, terriers, valuations, particulars, counterparts and entries of leafes, patents, reports, accounts, and other written documents, relating to or concerning any of the lands, or poffeffions of the crown, or the rents and profits of the fame, and other fmall branches aforefaid, in the cuftody or power of whatever publick officer or office the fame may be, without payment of any fee or reward for

Commissioners may examine on oath the officers of the land revenues, may infpect furveys, &c. and caufe actual ones to be made.

the

the production or infpection, thereof; and alfo to caufe to be made, by practical and competent land furveyors, actual furveys, maps, plans, and valuations of fuch of the faid forefts, chafes, parks, and other lands and poffeffions of the crown, as the faid commiffioners fhall find neceffary and expedient, and to examine all and every of fuch furveyors upon oath, (which oath the faid commiffioners are hereby impowered to adminifter), of and concerning the truth and correctnefs of their faid refpective furveys, or any matter or thing done or certified by fuch furveyors refpectively, of and concerning the premifes committed to their charge.

Chancellor,
&c. of the
exchequer
may order
comiffions
to perfons, to
make furveys,
to examine
into limits of
forefts, &c.

V. *And whereas it may be found neceffary by the faid commiffioners, in the execution of this act, and for the better accomplifhment of the ends and purpofes thereof, and more particularly for difcovering the extent and limits of his Majefty's forefts and chafes, and other lands, that commiffions of enquiry fhould be awarded for thofe purpofes; be it therefore further enacted, That it fhall and may be lawful and for the chancellor and barons of the exchequer for the time being, and the faid chancellor and barons are hereby authorized and required, from time to time, upon motion to them made by the faid commiffioners for that purpofe, to order and direct one or more commiffion or commiffions to be awarded and iffued, under the feal of the exchequer, directed unto fuch able and experienced perfons as the faid court fhall nominate for that purpofe, for authorifing and impowering the perfons to be fo named, or fo many of them as the faid chancellor and barons fhall think fit, to make furveys and perambulations, and to call before them, and examine upon oath, any witnefs or witneffes, and to enquire into, examine, try, difcover, and afcertain, by verdict and inqueft, on the oaths of lawful men, to be duly impannelled by the proper fheriff, according to the tenor and effect of fuch refpective commiffions, the feveral limits, boundaries, extent, and values of the forefts, chafes, or other lands, to which fuch commiffions fhall refpectively relate, and all fuch other matters and particulars which in and by fuch commiffions fhall be refpectively directed to be enquired of or examined into.*

Perfons
claiming pri-
vileges to de-
liver their
claims to the
commiffion-
ers.

VI. *And, to the end that the future improvements to be made in the land revenue of the crown may be effected without prejudice or vexation to the fubject claiming rights, privileges, or eafements, in, through, or over any of his Majefty's faid forefts, chafes, parks, warrens, marfhes, fens, derelict lands, and waftef; be it further enacted, That all perfons fhall be at liberty to deliver their refpective claims of rights, privileges, or eafements, in, through, or over any of his Majefty's faid forefts, chafes, parks, warrens, marfhes, fens, derelict lands, and waftef, to the faid commiffioners of the land revenue, who fhall caufe the fame to be entered and preferved among their proceedings, or may appear before the commiffioners to be named in any fuch commiffion as aforefaid, to be iffued by the faid court of exchequer, during their fitting upon fuch commiffion, and make their refpective claims before fuch commiffioners, who fhall receive the fame, and make a re-
turn*

turn thereof in their general return to the faid commissioners appointed by this act.

VII. Provided also, and be it further enacted, That every person to be named in fuch commission as aforefaid, fhall, before he proceeds to act in the execution thereof, take and fubfcribe an oath, before any other two of the perfons named in the fame commission, faithfully to execute the fame, and the trusts thereof, without favour or affection, and according to the beft of his fkill and judgement; which oath the perfons fo named, and every two of them, are hereby authorized and empowered to adminifter to each other refpectively.

VIII. And be it further enacted, That the lord high treafurer, or the commissioners of the treafury, for the time being, fhall, and they are hereby authorized and required to iffue to the faid commissioners appointed by this act, by way of impreft, and upon account, out of any of the public monies remaining in his Majesty's exchequer, any fum or fums, not exceeding in the whole the fum of two thoufand pounds in any one year, to be by them employed in the payment of the aforefaid falaries of the clerks and officers by them employed in the execution of this act; and fhall alfo, from time to time, iffue to the faid commissioners appointed by this act, out of the monies aforefaid, fuch further fums as fhall be neceffary to defray the expences of taking any furveys or valuations, or iffuing and executing commissions of furveys and enquiry, and other contingent and actual charges, which fhall be by them neceffarily incurred in the carrying the purpofes of this act, and the enquiries thereby directed, into execution.

IX. And be it further enacted, That, during the continuance of this act, no fale fhall be made of any of his Majesty's timber or wood, within or upon any of his Majesty's forests, chafes, parks, or other grounds whatfoever, by any of his Majesty's furveyors or keepers, or by any other perfons intrufted with the care thereof, unlefs by fpecial warrant to be iffued for that purpofe by the lord high treafurer, or the commissioners of the treafury, for the time being, upon requifition to them made by the faid commissioners appointed by this act.

X. *And whereas, by virtue of an act paffed in the twenty-second year of the reign of his late majesty King Charles the Second, intituled, An act for advancing the fale of fee farm rents and other rents, and of an act paffed in the twenty-second and twenty-third years of the reign of the fame King, intituled, An act for vefting certain fee farm rents, and other fmall rents, in trustees, all fee farm rents, rents fervice, rents feck or dry rents, chauntry rents, guild rents, caftle guard rents, and other fervices, within the furvey of the exchequer (except as therein excepted) were vefted in certain trustees in the faid laft-mentioned act named, and their heirs, in order to be by them fold, conveyed, and difpofed of, according to the direftions and inftructions of the fame acts, or one of them; with a proviso in the faid laft-mentioned act contained, that until fale fhould be made of the faid rents, the receiver or receivers general fhould and might receive,*

Commissioners appointed by the chancellor, &c. of exchequer to take an oath to faithfully execute their trusts.

Treafury to iffue to the commissioners money to pay balances, and take furveys, &c.

No timber in the faid forests, &c. to be fold without a warrant of the treafury.

22 Car. 2. c. 6; and 22 & 23 Car. 2. cap. 24. recited;

collected, and gather the same: and whereas, under and by virtue of the said two recited acts, the greater part of the large rents within the survey of the court of exchequer were sold by the said trustees, and the residue thereof, now remaining in charge at the exchequer, consist chiefly of very small rents, the collection and payment whereof is a great and constant charge to the crown, and troublesome and vexatious to the subject; and it is therefore expedient that the same should be sold: be it therefore further enacted, That the said two several

and such parts as relate to rents within the survey of the exchequer vested in trustees, and not by them sold, to be repealed,

recited acts of the twenty-second and twenty-second and twenty-third years of the reign of his late majesty King Charles the Second, and the letters patent in the said acts mentioned, so far as the same acts or letters patent relate to or concern any fee farm or other rents within the survey of the exchequer, by or under and by virtue of the same acts vested in the said trustees, and not by them sold or disposed of, or the appropriation of the the money to arise by sale thereof, shall be, and the same are hereby repealed and vacated.

and the said rents to be vested in his Majesty.

XI. And be it further enacted, That all the said fee farm and other rents, within the survey of the exchequer, by or under or by virtue of the said two several recited acts, or either of them, vested in the said trustees, and not by them sold or disposed of, shall be, and are hereby declared to be in the actual seizin and possession of his Majesty, his heirs and successors, in as full and ample manner, to all intents and purposes, as the same would or could have been if the said acts and the said letters patent, or any of them, had not been made.

Commissioners may agree for the sale of rents at the best prices they can procure, not being under the rates following, viz.

XII. And be it further enacted, That it shall and may be lawful to and for the said commissioners appointed by this act to contract and agree with any person or persons, or any bodies politick or corporate, for the sale of any fee farm rents, rents services, rents seck, quit rents, chauntry rents, guild rents, castle guard rents, viscontiel rents, and other dry, fixed, and unimproveable rents, due and payable to his Majesty, his heirs or successors, within the survey and receipt of his Majesty's exchequer, at or for the best prices or considerations, in money, which the said commissioners shall be able to procure for the same, not being less, for any rent amounting to or exceeding one shilling *per annum*, than after the several rates of purchase following; (that is to say),

For rents of 10s. per ann. and upwards, 24 years purchase of the net amount.
From 5s. to 10s. per ann. 22 years purchase.
From 1s. and under 5s. 20 years purchase.

For any rent amounting to ten shillings *per annum*, or upwards, not less than twenty-four years purchase of the net amount thereof, after deducting the land tax chargeable thereon:

For any rent amounting to five shillings *per annum*, and being under ten shillings *per annum*, not less than twenty-two years purchase of the gross amount thereof:

And for any rent amounting to one shilling *per annum*, and being under five shillings *per annum*, not less than twenty years purchase of the gross amount thereof.

XIII. Provided always, and be it further enacted, That the immediate

immediate owners of the lands or hereditaments whereout any rents hereby made saleable are issuing or payable, shall be preferred in the purchase thereof to all others, so that such owners shall respectively pay and discharge all arrears of rent due from them, and tender themselves in person, or by agent, before the said commissioners hereby appointed to contract for the purchase thereof, before the first day of *January*, one thousand seven hundred and eighty-eight.

XIV. *And, for facilitating the conveyance of the aforesaid rents to the respective purchasers thereof, at a small expence, and to relieve the said commissioners from the charge and account of the purchase monies:* be it further enacted, That the governor and directors of the bank of *England* shall, and they are hereby required to open an account in their books with the said commissioners hereby appointed, under the title of *Commissioners for the Land Revenue*, and carry to the credit of such account the several monies by this act directed to be paid to the cashiers of the bank; and whensoever the said commissioners shall have contracted with any person or persons, bodies politick or corporate, for the sale of any rent or rents, the said commissioners shall grant unto the purchaser or purchasers thereof a certificate under their hands, specifying the rent or rents so contracted for, and the amount of the purchase money to be paid for the same; and the said cashiers of the bank, or one of them, shall, upon the production of such certificate, accept and receive from such purchaser or purchasers the purchase monies therein specified, and at the foot of such certificate acknowledge the receipt of the said monies, without fee or reward; and the said certificate and receipt shall be afterwards brought to the office of the auditor of the land revenue, and be by him forthwith enrolled in proper books to be provided and kept for that purpose, separate and apart from the other business and proceedings of his office; and the said auditor, having enrolled the said certificate and receipt as aforesaid, shall attest the same under his hand, and return the said certificate and receipt to the purchaser or purchasers; and from and immediately after such enrolment, and thenceforth for ever, the respective purchasers of such rents, and their heirs or successors, shall, by force of this act, be adjudged, deemed, and taken to be in the actual seizin and possession of the rents so by them respectively purchased, and shall hold and enjoy the same peaceably and quietly, freed and discharged of and from all claims and demands which can or may be made by his Majesty, his heirs or successors, or by any person or persons lawfully claiming by, from, or under him or them, or any of his Majesty's royal ancestors or predecessors, or by, from, or under the said trustees, or any of them, or the heirs of the survivor of them, and of and from all manner of incumbrances whatsoever, heretofore made or charged upon the same rents, and as fully and amply, to all intents and purposes, as his Majesty, his heirs or successors, might or could have held or enjoyed the same; and shall have and enjoy all and singular the powers, remedies,

Owners of the lands to have the preference in purchasing the rents on certain conditions.

Commissioners to certify purchases to the bank, who are to receive the purchase money, and grant receipts for the same on the certificates, which being enrolled with the auditor of the land revenue, is to give possession of the rents.

medies, benefits, and advantages for the recovery thereof, given or allowed to the purchasers of rents in and by the said recited acts of the twenty-second and twenty-second and twenty-third years of the reign of his said late majesty King Charles the Second, in as large and ample manner and form as if such purchases had been made of, and the said rents conveyed by, the trustees appointed or authorised in and by or under and by virtue of the same acts, or either of them.

Commissioners may compound for arrears, but not for a less sum than is due by the present owners of lands.

XV. *And whereas some of the said rents hereby directed to be sold are greatly in arrear, and the lands, tenements, and hereditaments, out of which the same are issuing, may have been purchased or come into the hands of the present owners of the said lands and hereditaments, without their having had the means of knowing or being apprized of the said rents and arrears payable for the same; be it therefore further enacted, That it shall and may be lawful for the said commissioners hereby appointed, with the consent and approbation of the lord high treasurer, or the commissioners of the treasury, for the time being, in writing, under his or their hand or hands, to accept such pecuniary composition of the persons who shall become purchasers of any rent or rents in arrear, as, under all the circumstances of the case, shall be equitable and just, so that such composition be not less than the amount of the arrear or arrears of rent which shall have accrued from the present owners respectively of the lands, tenements, and possessions, out of which, or in respect whereof, such rent or rents are or may be issuing or payable.*

Certificate to be granted on the sale of rents as follows.

XVI. *And be it further enacted, That the certificates to be granted by the said commissioners, on the sale of any rent or rents as aforesaid, shall be expressed in the words following, or as near thereto as may be; (that is to say,)*

Form of certificate.

B*Y the commissioners of the land revenue.—These are to certify, That the said commissioners have contracted and agreed with*
A. B. for the sale to him of all that rent of
issuing and payable out of [briefly describing the lands or hereditaments chargeable] now or late payable by
at or for the price or sum of _____ *of lawful*
money of Great Britain, to be paid by the said A. B. into the bank
of England, in the name of the said commissioners. [And in the
case of subsisting lease, then the words following are to be add-
ed] subject nevertheless to a lease thereof, granted under the great seal
of Great Britain, [or, the seal of his Majesty's exchequer, as the
case may be,] bearing date the _____ *day of*
one thousand seven hundred and _____ *unto*
for a term of _____ *years, which will expire*
on or about the _____ *day of*
Given under the hands of the said commissioners, the
day of _____

Certificate to be witnessed.

Which said certificates shall be respectively witnessed and attested, as to the signing thereof by the said commissioners of the land revenue,

revenue, by one of their principal clerks or other officers: and that the receipts to be given or subscribed by the cashier of the bank, at the foot or on the back of such certificate respectively as aforefaid, shall be in the words and figures following, or as near thereto as may be; (that is to fay),

RECEIVED the *day of* *one* Form of receipt to be given by the cashier of the bank.
thousand seven hundred of and from A. B.
the sum of of lawful money of Great Britain,
being the consideration money expressed in the above [or within] written certificate.
Witness my hand,
 (Signed) E. F. cashier.

Which said certificates and receipts, being enrolled as aforefaid, shall effectually discharge the said purchasers, or other persons to whom the same shall be so given and granted, of and from the purchase or consideration money therein respectively expressed, and such purchasers or other persons shall never afterwards be liable to or called upon, sued, troubled, molested, or questioned, for or in respect of such purchase or consideration money, or any part thereof.

XVII. And be it further enacted, That the certificates and receipts hereby directed to be given, shall be made forth and enrolled at the expence of the persons entitled to or requiring the same, for which certificate such fees shall be paid (exclusively of the expence of stamps, parchment, and enrolling) as the said commissioners shall direct and establish, in proportion to the value of the rent to be sold, so that no greater fee be paid for any one certificate than twenty shillings; and if the certificate be for more rents than one, a further fee shall be paid for every rent, not exceeding one fourth of the fee taken for the highest rent included in the same certificate; which said fees shall be received by, and distributed amongst, the officers and clerks of the said commissioners, in such manner and proportion as they shall direct; and the like fees as aforefaid, and no more, shall be taken by, and paid to, the auditor of the land revenue, for the enrolment of the said certificates and receipts.

XVIII. And be it further enacted, That where the consideration money contracted to be paid for any purchase or discharge whatsoever, authorised to be made by this act, shall exceed the sum of ten pounds, the certificate of the said commissioners shall be written on parchment, stamped or notified with such a stamp duty as is required by law for the common conveyances of lands, and no other stamp shall be requisite for the cashier's receipt for such consideration money; and where such consideration money shall not exceed the sum of ten pounds, the said certificates shall or may be written on parchment, without any other stamp duty than such as shall by law be requisite for the cashier's receipts.

XIX. Provided always, and be it further enacted, That if
 VOL. XXXV, I i any

If certificate be not procured, and consideration money paid, etc. in 14 days, contracts to be void, etc.

any person or persons, with whom the said commissioners shall contract for any of the premises by this act authorised to be sold, discharged, or extinguished, shall neglect to procure and sue forth the commissioners certificate of his, her, or their contract, or shall neglect to pay into the bank the consideration money therein to be specified, or shall neglect to enrol such certificate, and the cashier's receipt for the said money, with the auditor of the land revenue, according to the directions of this act, for the space of fourteen days, to be computed from the day on which such contract shall have been made, the said contract shall be null and void, and the consideration money, if paid into the bank, shall be forfeited, unless the said commissioners shall, for any reasonable cause to them shewn for the omission of such enrolment, order the said certificate to be enrolled *nunc pro tunc*, and which, upon such cause being shewn, they are hereby authorised to order accordingly.

Monies paid into the bank to be laid out in the 3 per cent. consols, and the interest paid as directed by the treasury.

XX. And be it further enacted, That all and every sum and sums of money, which shall be paid into the bank of *England* under or by virtue of this act, shall from time to time be laid out, by the order of the said commissioners hereby appointed, in the purchase of three *per centum* consolidated bank annuities, in the names of the said commissioners, in which name the governor and company of the bank of *England* are hereby authorised and required to permit transfers to be made of the annuities, funds, or stock so to be purchased, and such transfers to be accepted by the commissioners appointed by this act, for and in the name of *the lord high treasurer of England*, and the said commissioners are hereby required to accept the same accordingly; and that all and singular the annuities so to be purchased and accepted, shall remain invested in the name of *the lord high treasurer*, or *the commissioners for executing the office of lord high treasurer*, for the time being, and shall not be transferred or transferrable without the authority of parliament; but all the interest of the said annuities or yearly dividends shall be from time to time paid by the said governor and company into the hands of such person or persons as shall be appointed to receive the same, by warrant or power of attorney under the hand and seal of the lord high treasurer, or of the commissioners of the treasury, for the time being, and shall, by force and virtue of this act, be deemed and taken in law to be part of the said land revenues of the crown, and shall be from time to time answered, accounted for, applied, and appropriated to such and the same uses and purposes as the land revenues of the crown now are or would hereafter have been liable to have been applied and appropriated, in case this act had not been made.

Persons receiving any part of the land revenue who shall not obtain a quiet

XXI. And, for the furtherance and more perfect accomplishment of the purposes of this act, be it further enacted, That all and singular persons, who by virtue of any office or employment by them held under the crown, have been intrusted, since his Majesty's accession, with the receipt of any monies arising by rents of his Majesty's lands, or by fines of the same, or by any of the said

laid small branches of revenues before mentioned (sheriffs only excepted), or with money arising by sale of any of his Majesty's woods or timber in *England* or *Wales*, and whose several and respective accounts have not been declared and *quietus est* obtained thereon, or shall not be so declared before the first day of *August*, one thousand seven hundred and eighty-seven, and also the heirs, representatives, and sureties of any such persons intrusted as aforesaid, and now deceased, whose accounts are depending and unsettled, and who shall not, within the time aforesaid, procure such accounts of the deceased accomptants to be made up and declared in due form of law, shall, and they are hereby severally enjoined and required to deliver such respective accounts of their receipts and expenditure, with their vouchers for the same, unto the said commissioners appointed by this act, who shall thereupon proceed to take such order and course as they shall think fit for the closing, adjusting, and liquidating the same accounts, by or before the auditor of the land revenue, in whose charge and audit such unsettled accounts may happen to be respectively; and if any default shall be made by any of the persons or parties aforesaid, in the bringing before the said commissioners such unsettled accounts and such vouchers as aforesaid, within such time or times as the said commissioners hereby appointed shall limit and appoint for that purpose, it shall and may be lawful to and for the said commissioners, and they are hereby required, under their hands and seals, to certify the same, and the circumstances thereof, to the chancellor and barons of the exchequer for the time being, who shall thereupon award and issue forth such processes against the said defaulters as the nature of the case shall require, and the said court think expedient; and in cases of wilful default made in the delivery of any accounts or vouchers, by any of the particular receivers of the rents of the crown, or in the payment of any balance due from them, or any of them, upon the foot of their accounts, it shall and may be lawful to and for the said commissioners hereby appointed, by writing under their hands and seals, to suspend any of such receivers from the further receipt of any rents or revenues in their collection, so that every such suspension shall be forthwith certified by the said commissioners unto the chancellor and barons of the exchequer, who shall and may direct any other person or persons to collect and receive the rents and revenues in the charge of the receiver or receivers so suspended, and to take and enjoy the salaries, and other fees and emoluments of office, appertaining to such receipt and collection, during the continuance of such suspension; and every such suspension shall remain and continue in full force until the said chancellor and barons, by their order, to be made upon the submission of the party or parties so suspended to account for and pay the balance due from him or them, shall think fit, or direct, to take off and discontinue the same; any law, statute, or usage to the contrary notwithstanding.

tus before
 Aug. 1, 1787,
 to deliver
 their accounts
 to the com-
 missioners to
 be liquidated.

Processes to
 be issued a-
 gainst default-
 ers herein,

and if the de-
 fault be wil-
 ful, the com-
 missioners
 may suspend
 them, etc.

XXII. And be it further enacted, That if any person who shall

Persons making false oaths incur the penalties of wilful perjury.

shall be examined upon oath or affirmation, or shall make any affidavit or deposition, on oath or affirmation, touching or concerning any of the matters or things by this act directed to be done or enquired into, shall be guilty of falsely and wilfully swearing or affirming to any matter or thing, which, if the same had been sworn or affirmed in any cause or suit depending in any of his Majesty's courts, would have amounted to wilful and corrupt perjury, every person so offending, and being thereof lawfully convicted, shall incur the same penalties and forfeitures as by the laws and statutes of this realm are provided against persons convicted of wilful and corrupt perjury.

His Majesty to appoint commissioners in place of such as may die, or decline to act.

XXIII. And be it further enacted, That if the said commissioners appointed by this act, or either of them, shall decline to act in the execution of the powers and trusts hereof, or, having begun to act therein, shall depart this life during the continuance of this act, it shall and may be lawful to and for his Majesty, by warrant or warrants under his royal sign manual, to constitute and appoint such person or persons to be a commissioner or commissioners for the purposes aforesaid, in the place of the commissioners so declining to act or dying as aforesaid, as his Majesty shall think fit, and so often as such case shall happen; and the person or persons so constituted and appointed by his Majesty, having first qualified to act by taking and subscribing the oath herein-before provided and directed, shall be invested with the same powers and authorities as are given or delegated by this act unto the said commissioner or commissioners constituted by this act respectively.

Appointment to the commission not to vacate a seat in parliament, or disqualify from being elected.

XXIV. And be it further enacted and declared, That the appointments of commissioners in the land revenue, made or authorised to be made by this act, shall not be deemed or taken to be within the intent or purview of an act of the sixth year of the reign of Queen Anne, intituled, *An act for the security of her Majesty's person and government, and of the succession of the crown of Great Britain in the Protestant line*, whereby to vacate the seat in parliament of either of the commissioners hereby appointed, or to be hereafter appointed, by virtue of this act, or to disqualify any such commissioner from being elected, or sitting, or voting as a member of the house of commons.

Commissioners not to be hereby authorised to enquire into royal palaces or adjoining lands.

XXV. Provided always, and be it enacted, That nothing in this act contained shall extend to give unto the said commissioners hereby appointed any power or authority to make any enquiry into, or otherwise to interfere with, any of his Majesty's royal palaces, or any houses occupied by any of the royal family, or the forests, parks, lands, or grounds of his Majesty, adjoining or contiguous to and occupied with any of such palaces or houses respectively, unless in obedience to any commands of his Majesty, to be for that purpose signified under his Majesty's royal sign manual.

Commencement and continuance of this act.

XXVI. And be it further enacted, That this act shall commence from and immediately after it shall have received his Majesty's royal assent, and shall continue in force for the term of **three**

three years, and from thence to the end of the then next feffion of parliament.

C A P. LXXXVIII.

An act for fettling and fecuring a certain annuity for the ufe of lady Maria Carlton, wife of fir Guy Carlton, knight of the moft honourable order of the Bath, and Guy Carlton and Thomas Carlton, fons of the faid fir Guy Carlton, in confideration of the eminent fervices performed by him to his Majefty and this country.

Moft gracious Sovereign,

WHEREAS your Majefty, by your moft gracious message to Preamble, your faithful commons, has been pleased to fignify your defire of conferring a fignal mark of your royal favour on fir Guy Carlton knight of the moft honourable order of the Bath, in confideration of the important fervices performed by him to your Majefty and this country, and for that purpofe to grant to lady Maria Carlton, wife of the faid fir Guy Carlton, and to Guy Carlton and Thomas Carlton, fons of the faid fir Guy Carlton, for their feveral lives, an annuity of one thoufand pounds per annum; but it not being in your Majefty's power to grant the fame, or to settle the faid annuity for fo long a term, recommended it to the houfe of commons to confider of a proper method of enabling your Majefty to grant the faid annuity, and of fettling and fecuring the fame in the moft effectual manner, &c.

Lady Maria Carlton, Guy Carlton, and Thomas Carlton, to receive an annuity of 1,000l. for their lives, from Jan. 1, 1785. Treasury to direct the auditor of the exchequer to make out debentures for the faid annuity without fee. Annuity not to be determinable on the demise of his Majefty, his heirs or fucceffors, or by death, or removal, or any lord of the treasury, or the determination of their refpective offices. No fee to be required any where on account of the annuity. Receipt of lady Maria Carlton, Guy Carlton, or Thomas Carlton, refpectively, to be a fufficient difcharge for payment of the annuity, which is to be free of all taxes, and if neglected to be paid, officers of the exchequer may be fued.

C A P. LXXXIX.

An act to explain, amend, and extend to other tools and utensils, an act, made in the twenty-fifth year of the reign of his prefent Majefty, intituled, An act to prohibit the exportation to foreign parts of tools and utensils made ufe of in the iron and steel manufactures of this kingdom; and to prevent the feducing of artificers or workmen, employed in thofe manufactures, to go into parts beyond the feas.

WHEREAS by an act, paffed in the laft feffion of parliament, Preamble, (intituled, An act to prohibit the exportation to foreign reciting parts of tools and utensils made ufe of in the iron and steel manufactures of this kingdom; and to prevent the feducing of artificers or workmen, employed in thofe manufactures, to go into parts beyond the feas), it was, amongst other things, enacted, That if any perfon or perfons in Great Britain fhould, upon any pretence 25 Geo. 3. c. 67. whatever,

whatever, export, load, or put on board, or pack, or cause or procure to be laden, put on board, or packed, in order to be laden or put on board of any ship or vessel which should be bound to some port or place in parts beyond the seas, (except to Ireland); or should lade, or cause or procure to be laden, on board any boat or other vessel, or should bring, or cause to be brought, to any quay, wharf, or other place, in order to be so laden or put on board any such ship or vessel, any tool or utensil therein particularly mentioned, or any other tool or utensil whatever which then were, or at any time or times thereafter should or might be, used in, or proper for the preparing, working, finishing, or completing of the iron or steel manufactures of this kingdom, or either of them, by what name or names soever the same should be called or known; or any model or plan, or models or plans, of any such tool, utensil, or implement, or any part or parts thereof; the person or persons so offending should, for every such offence, forfeit and lose all such tools or utensils, or parts or parcels thereof, together with the packages, and all other goods packed therewith: and whereas the general prohibition of the exportation of tools and utensils made use of in the iron and steel manufactures of this kingdom may be productive of inconvenience; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the tenth day of July, one thousand seven hundred and eighty-six, it shall and may be lawful to export from Great Britain to the British islands in the West Indies, or to any other foreign part or place whatever, any tools or utensils made use of in the iron or steel manufactures of this kingdom, which might have been legally exported before the passing of the before recited act, (except the several articles herein-after particularly enumerated; that is to say, Rollers, either plain, grooved, or of any other form or denomination, of cast iron, wrought iron, or steel, for the rolling of iron, or any sort of metals, and frames, beds, pillars, screws, pinions, and each and every implement, tool, or utensil thereunto belonging; rollers, slitters, frames, beds, pillars, and screws, for slitting mills; presses of all sorts in iron, steel, or other metals, which are used with a screw exceeding one inch and an half in diameter; or any parts of these several articles, or any model or models of any of the before-mentioned utensils, implements, and machines, or any part or parts thereof; and all sorts of utensils, engines, or machines used in the casting or boring of cannon, or any sort of artillery, or any parts thereof, or any model or models of tools, utensils, engines, or machines used in casting or boring of cannon, or any sort of artillery, or any parts thereof; hand-stamps, dog-head stamps, pulley stamps, hammers and anvils, for stamps, presses of all sorts called Cutting-out Presses, beds and punches to be used therewith; piercing-presses of all sorts, beds and punches to be used therewith, either in parts or pieces, or fitted together; scoring or shading engines, presses for horn buttons, dies for horn buttons, rolled metal with silver thereon, parts of buttons not fitted

From July 10, 1786, such tools used in the iron and steel manufactures, etc. may be exported, as might have been before passing recited act, except the articles herein specified.

fitted up into buttons, or in an unfinished state; engines for chasing, stocks for casting buckles, buttons, and rings; die-finking tools of all sorts, engines for making button shanks, laps of all sorts, tools for pinching of glass, engines for covering of whips, bars of metal covered with gold or silver, burnishing stones commonly called *Blood Stones*, either in the rough state or finished for use); any thing in the said recited act to the contrary in anywise notwithstanding.

II. And be it further enacted by the authority aforesaid, That, from and after the tenth day of July, one thousand seven hundred and eighty-six, it shall not be lawful for any person or persons, in the kingdom of *Great Britain*, to export to parts beyond the seas, (except to *Ireland*), or to have in his or their possession with the intent so to export, any of the tools and utensils herein-after mentioned; that is to say, Wire moulds for making paper; wheels made of metal, stone, or wood, for cutting, roughing, smoothing, polishing, and engraving glass; purcellas, pincers, sheers, and pipes, used in blowing glass; potters wheels and potters lathes for plain, round, and for engine-turning tools, used by sadders, harness-makers, and bridle-makers, namely, cattle-strainers, side-strainers, point-strainers, creasing-irons, screw-creasers, wheel-irons, seat-irons, pricking-irons, bolstering-irons, clams, head-knives; and that the said recited act, so far as the same concerns the exporters or possessors of the tools and utensils therein enumerated or described, shall extend, or be construed to extend, to all and every the exporters or possessors of the tools and utensils herein enumerated and described, as fully, to all intents and purposes, as if the same were repeated and re-enacted in the body of this act.

III. And be it further enacted, That this act shall continue in force until the end of the next session of parliament, and no longer.

C A P. XC.

An act for repealing so much of an act, passed in the twenty-second year of his present Majesty's reign, intituled, An act for granting to his Majesty additional duties upon salt; and certain duties upon Glauber or Epsom salts, and also on mineral alkali or flux for glass, made from salt; and to prevent frauds in the duties on foul salt, to be used in manuring of lands, as relates to the obtaining rock salt, or salt rock, or brine, or sea water, for the purpose of making mineral alkali, or flux for glass, duty-free.

Preamble, reciting 22 Geo. 3. c. 39. in part. From Aug. 1, 1786, such part of recited act as relates to obtaining, duty-free, rock salt, &c. for making a flux for glass, to be repealed, except as after mentioned. Glass makers may take rock salt, salt rock, or brine, or sea water, for making a flux for glass, at their own glass works, upon the terms of the recited act. This act not to extend to duties due, and seizures made, &c. before Aug. 1, 1786.

C A P. XCI.

An act for making perpetual an act, made in the fourteenth year of the reign of his present Majesty, intituled, An act for regulating mad-houses.

No person to have in possession with intent to export (except to Ireland), any of the articles herein specified.

Recited act, so far as relates to exporters of articles therein enumerated, to extend to exporters of articles specified in this act. Continuance of this act.

C A P. XCII.

An act to continue, for a limited time, an act made in the twenty-fourth year of the reign of his prefent majefty King George the Third, to explain, amend, and render more effectual, an act, made in the thirtieth year of the reign of his late majefty King George the Second, intituled, "An act for the more effectual punifhment of perfons who fhall attain, or attempt to attain, poffeffion of goods or money, by falfe or untrue pretences; for preventing the unlawful pawning of goods; for the eafy redemption of goods pawned; and for preventing gaming in publick houfes, by journeymen, labourers, fervants, and apprentices;" fo far as the fame relates to the preventing the unlawful pawning of goods; and for the eafy redemption of goods pawned.

24 Geo. 3. c. 42. recited, and fo much thereof as relates to the preventing unlawful pawning of goods, and the eafy redemption of pawns, continued from its expiration to the end of the next feffion. Publick act.

C A P. XCIII.

An act to enable his Majefty to grant a certain annuity to Brook Watfon efquire, late commiffary general in North America, in confideration of his diligent and meritorious fervices in that office.

22 Geo. 3. c. 82. recited. 500l. annuity may be granted to Brook Watfon efq; for the life of Helen Watfon, his wife. Grant under this act not to refrain his Majefty from granting any other penfions.

C A P. XCIV.

An act for making compenfation to the proprietors of fuch lands and hereditaments as have been purchafed for the more fafe and convenient carrying on his Majefty's gunpowder works and mills near the town of Faversham, and for the better fecuring his Majefty's docks, fhips, and ftores, at Portfmouth and Plymouth, in purfuanee of acts of parliament made in the twenty-third and twenty-fourth years of his prefent Majefty's reign; and for other purpofes therein mentioned.

23 Geo. 3. c. 37, recited; 24 Geo. 3. c. 29, recited; 33, 890l. 15s. 1d, 3q. to be paid to the proprietors of lands, &c. in Kent, Southampton, and Devon, taken poffeffion of for publick ufe under recited acts. Surveyor of the ordnance to grant bills to the parties, for their refpective claims, &c. Sums for which debentures are granted to be paid accordingly; 30l. decreed to the dean and chapter of Canterbury, to be paid to fuch perfon as they fhall authorife to receive it, &c. Money decreed to be paid to trustees, to be paid by the treafurer of the ordnance to the deputy King's remembrancer, who is to grant certificates, to be filed in the exchequer. Deputy remembrancer to pay to the bank the money he receives. Barons of exchequer to give directions about monies received by the deputy remembrancer, &c. Vicar of Faversham, and rector of Alverftoke, to receive the annual income of the fums decreed for the lands belonging to them. In cafe of death of deputy remembrancer, ftock vefted in him to veft in his fucceffor. If on death of deputy, the King's remembrancer fhall execute the office, the powers of this act to veft in him. Clerk of the ordnance to deposit with the clerk of the peace, debentures of perfons neglecting to take the fame in due time, &c. Lands in Hampfhire valued in decree under recited acts, to veft in his Majefty from time of payment of the value and thofe not valued, to be revefted in the proprietors. Limitations of actions, to fix calendar months after fact. General iffue, may be pleaded, &c. Defendant may have treble cofts.

C A P. XCV.

An act for enlarging the times appointed for the firft meetings of comiffioners,

missioners, and other perfons, for putting in execution certain acts of this feflion of parliament.—To meet in a fortnight after the end of the feflion.

C A P. XCVI.

An act to provide that the proceedings now depending in the houfe of commons upon articles of charge of high crimes and mifdemaneors, which have been exhibited againft Warren Haftings efquire, late governor general of Fort William in Bengal, fhall not be difcontinued by any prorogation or diffolution of parliament.

C A P. XCVII.

An act for raifing a further fum of money, by exchequer bills, for the fervice of the year one thoufand feven hundred and eighty-fix.— 3,900,000l. raifed by this act.

C A P. XCVIII.

An act to indemnify fuch perfons as have omitted to qualify themfelves for offices and employments; and to indemnify juftices of the peace, or others, who have omitted to register or deliver in their qualifications within the time limited by law, and for giving further time for thofe purpofes; and to indemnify members and officers, in cities, corporations, and borough towns, whofe admissions have been omitted to be stamped according to law, or, having been stamped, have been loft or miflaid; and for allowing them time to provide admissions duly stamped; to give further time to fuch perfons as have omitted to make and file affidavits of the execution of indentures of clerks to attornies and folicitors.— Time enlarged to Dec. 25, 1786, and attornies to file affidavits before Michaelmas term.

C A P. XCIX.

An act to afcertain the fees to be taken by the officers of the receipt of his Majefty's exchequer, on the iffues of money which have been made, and fhall hereafter be made, for the payment of certain penfions at the receipt of his Majefty's exchequer.

WHEREAS by an act of parliament paffed in the twenty-^{Preamble.}
 fecond year of the reign of his prefent Majefty, (intituled, An ^{22 Geo. 3. c.}
 act for enabling his Majefty to difcharge the debt contracted ^{82, recited.}
 upon his civil lift revenues, and for preventing the fame from
 being in arrear for the future, by regulating the mode of pay-
 ments out of the faid revenues, and by fuppreffing or regulating
 certain offices therein mentioned, which are now paid out of
 the revenues of the civil lift), it is among other things enacted,
 That no penfion whatfoever, on the civil eftablifhment, fhall hereafter
 be paid but at the exchequer, and in the fame manner as thofe pen-
 fions which were then paid and entered at the exchequer under the
 head, title, and description of Penfions, and with the name of the
 perfon to whom, or in truft for whom, the faid penfion was granted;
 and that thofe which were transferred thither by the faid act fhould
 be fubject to no taxes or fees whatfoever, except the taxes and fees to
 which before the faid act they were fubject, any ftatute, law, or ufage
 to the contrary notwithstanding; nor fhould any penfion, hereafter
 to be granted, be charged at the exchequer with further or other fees than
 were heretofore paid on penfions to the paymafter of the penfions: and
 whereas it is recited by the faid act, that it being intended that all
 a
 favings

*savings from salaries and fees of the offices by the said act suppressed, should be applied in aid of the civil list expenses, it is by the said act further enacted, that all fees hitherto payable, and by the said act not excepted, on any payments within the civil list revenues, do still continue to be paid, and remain for the disposal of the commissioners of the treasury: and whereas there have been for many years issues of money out of the receipt of his Majesty's exchequer, under the title of Secret and Special Service, by which many pensions have been paid at the treasury, on which the officers of the receipt of his Majesty's exchequer were allowed to take fees to the amount of two and an half per centum, and likewise issues of money to the paymaster of pensions, on which the said officers were allowed to take fees to the amount of one pound, three shillings, and nine-pence per centum, which fees were never charged upon the said pensions, but were paid by the commissioners of the treasury: and whereas no sufficient provision is made in the said act for the payment of the fees to which the officers of the receipt of his Majesty's exchequer were legally intitled before the passing of the said act, whereby the said officers have been, and may hereafter be prevented from receiving the same, contrary to the intentions of the said act: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful, from and immediately after the fifth day of July, one thousand seven hundred and eighty-six, to and for the commissioners of his Majesty's treasury, now or for the time being, or any three or more of them, to issue and pay, and they are hereby authorized and required to issue and pay, or cause to be issued and paid, out of the monies which have arisen, or shall arise, by any savings accruing from the salaries and fees of the offices by the said act suppressed, or from fees payable on any payments within the civil list revenues, which, by the said act, remain for the disposal of the commissioners of the treasury, (or out of any such other of his Majesty's civil list revenues), as they shall think fit, all such sum or sums of money to the auditor, clerk of the pells, or any or either of the four tellers, or any other of the officers and clerks of the receipt of his Majesty's exchequer, upon any sum or sums of money issued since the passing of the said act, or to be hereafter issued for the payment of pensions transferred from the treasury, and from the office of paymaster of pensions, to the receipt of his Majesty's exchequer, as the said officers of the receipt of his Majesty's exchequer would have been intitled to have received as their legal fees upon issues of the like sums of money, under the head of *Secret or Special Service*, or to the paymaster of pensions; any thing in the said act contained to the contrary thereof in any wise notwithstanding.*

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the auditor, clerk of the pells, or any or either of the four tellers, or any other of the officers or clerks of the receipt of his Majesty's exchequer, to demand and

take

From July 5, 1786, treasury to pay fees on pensions transferred from treasury and pension office to the exchequer, to officers thereof.

Officers of exchequer may demand fees on pensions granted or to be

take upon all pensions granted since the passing of the said act, granted, since or hereafter to be granted, the fees of two and one half *per centum*, and no more, (which were the usual fees paid heretofore to the late paymaster of the pensions on pensions paid at that office), according to their respective proportions, which said fees are by the said act charged upon the said pensions. recited act.

III. And be it further enacted by the authority aforesaid, That upon the death, surrender, forfeiture, or removal of the auditor, or any or either of the four tellers, the proportion of the said fees belonging to the respective officer so dying, surrendering, forfeiting, or being removed, shall be applied to the uses and purposes directed by an act of the twenty-third year of the reign of his present Majesty, (intituled, *An act for establishing certain regulations in the receipt of his Majesty's exchequer*); and such proportion of the said fees, belonging to the clerk of the pells, as are allowed to be taken upon monies issued for the payment of the said pensions during the life of the right honourable sir *Edward Walpole*, late clerk of the pells, be paid to his legal representative or representatives; and such proportion of the said fees as are or shall be allowed to be taken upon monies issued for the payment of the said pensions since the decease of the said late sir *Edward Walpole*, shall be reserved for the uses and purposes directed by the said act. On death of the auditor, etc. the fees to be applied to the purposes of the recited act, etc.

IV. And be it further enacted by the authority aforesaid, That this act shall be adjudged, deemed, and taken to be a publick act; and shall be taken notice of as such by all judges, justices, and other persons, without specially pleading the same. Publick act.

C A P. C.

An act to prevent occasional inhabitants from voting in the election of members to serve in parliament, for cities and boroughs, in that part of Great Britain called England, and the dominion of Wales.

WHEREAS it frequently happens, in cities and boroughs Preamble: where the right of election of members to serve in parliament is in the inhabitants paying scot and lot, or in the inhabitants householders, housekeepers, and pot-wallers, legally settled, or in the inhabitants householders, housekeepers, and pot-wallers, or in the inhabitants householders residents, or in the inhabitants within such cities or boroughs, that much trouble, expence, and litigation, is created by occasional voters, to the great prejudice of the real inhabitants, who bear the burthens of such cities and boroughs, and to whom the right of sending members to parliament belongs: for remedy thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the first day of *August*, one thousand seven hundred and eighty-six, no person shall be admitted to vote at any election of a member or members to serve in parliament for any city or borough of that part of *Great Britain* called *England*, From Aug. 1, 1786, any person voting as an inhabitant, paying scot and lot,

etc. who shall not have been so 6 months previous to the election, to forfeit 20l.;

England, or the dominion of *Wales*, as an inhabitant paying scot and lot, or as an inhabitant householder, housekeeper, and pot-waller, legally settled, or as an inhabitant householder, housekeeper, and pot-waller, or as an inhabitant householder resiant, or as an inhabitant of such city or borough, unless he shall have been actually and *bona fide* an inhabitant paying scot and lot, or an inhabitant householder, housekeeper, and pot-waller, legally settled, or an inhabitant householder, housekeeper, and pot-waller, or an inhabitant householder resiant, or an inhabitant within such city or borough, six calendar months previous to the day of the election at which he shall tender his vote; and if any person shall vote at any such election, contrary to the true intent and meaning of this act, his vote shall be deemed null and void, and he shall forfeit, to any person who shall sue for the same, the sum of twenty pounds, to be recovered by him or her, by action of debt, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed; and in every such action the proof of inhabitancy, as aforesaid, shall lie upon the person against whom the same shall be brought: provided nevertheless, That such action be commenced within six calendar months after the cause of action accrued: provided also, That nothing in this act contained shall extend, or be construed to extend, to any person acquiring the possession of any house, in any city or borough, by descent, devise, marriage, or marriage settlement, or promotion to any office or benefice.

but not to extend to persons acquiring possession by descent, etc.

nor to persons claiming a right to vote under any other description than inhabitants paying scot and lot, etc.

II. Provided also, and be it further enacted, That this act shall relate only to those persons who claim to exercise the franchise of voting as inhabitants paying scot and lot, or as inhabitants householders, housekeepers, and pot-wallers, legally settled, or as inhabitants householders, housekeepers, and pot-wallers, or as inhabitants householders resiants, or as inhabitants within such cities or boroughs, and shall not extend to any other description of persons who may claim to vote at any election for members to serve in parliament for such cities or boroughs, by any other title, or by any other superadded qualification.

C A P. CI.

An act for erecting certain light-houses in the northern parts of Great Britain.

Preamble.

WHEREAS it would conduce greatly to the security of navigation and the fisheries, if four light-houses were erected in the northern parts of Great Britain; one at Kinnaird's Head, in the county of Aberdeen; one on the island of North Ranniltha, in the Orkneys; one on the point of Scalpa, in the island of Herries; and a fourth on the Mull of Kintyre: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament

parliament assembled, and by the authority of the same, That it shall and may be lawful to and for his Majesty's advocate and solicitor general for Scotland; the lord provost, and eldest baillie of Edinburgh; the lord provost, and eldest baillie of Glasgow; the provosts of Aberdeen, Inverness, and Campbeltown; the sheriffs depute of the counties of Edinburgh, Lanerk, Renfrew, Bute, Argyle, Inverness, Ross, Orkney, Caithness, and Aberdeen, for the time being, or any five of them, which number is hereby declared to be a quorum, who are hereby appointed commissioners or trustees for putting this act in execution, to contract and agree with the owners or proprietors of lands, lying and situated at the places aforesaid, and most convenient for erecting the said light-houses, for so much land as may be necessary for that purpose, and shall pay such rate and consideration for the same, as shall be agreed on between the said commissioners or trustees, and the owners or proprietors of such lands, either by absolute purchase, or by payment of a rent, or certain annual sum for the same.

II. *And whereas it may happen that some of the owners, proprietors, or occupiers of such land, which may be necessary for erecting the said light-houses, may insist upon too high prices or rents for the same, or through infancy, minority, defect of the title deeds, incumbrances, debts, or other disabilities or causes, it may be difficult to obtain valid and legal rights to some of the properties necessary to be used for these purposes; for remedy whereof,* be it enacted by the authority aforesaid, That if any owners or occupiers of any lands or heritages

shall be under any of the circumstances before described, it shall and may be lawful for the said commissioners or trustees, and they are hereby authorised and impowered to apply to the sheriff depute of the county where such lands and heritages shall respectively lie, who, upon such application, is hereby impowered and required to order a visitation and inspection of such lands and heritages, and to call before him the respective owners, proprietors, or occupiers thereof, or the trustees, tutors, or curators, or others, having the charge and administration of the affairs of such owners, proprietors, or occupiers, requiring them, within a limited time, to shew cause why such lands and heritages, may not be alienated, granted, or leased for the purposes aforesaid; and thereupon the said sheriff shall proceed to hear the said parties, and to pronounce sentence upon the said matter as shall be reasonable and just: provided always, That if any person or persons shall think him or themselves aggrieved by the sentence of the said sheriff, that it shall and may be lawful to such person or persons to apply, by petition, to the lords of council and session to have such sentence reviewed, altered, or amended, and the lords of session are hereby impowered and required to proceed and determine therein summarily, without abiding the course of any roll: provided always, That such application be made to the lords of session within twenty-one days after the date of the sheriff's sentence, if the court be then sitting, or within six days after the meeting of the said court.

Any five of the commissioners hereby appointed may agree for lands for erecting light-houses in the northern parts of Great Britain.

Sheriffs depute to order inspection of lands where differences arise relative to price, etc.

Appeal may be moved from the sheriffs to the lords of session.

III. And

Sheriffs to
fummonejuries
to determine
the value of
lands.

III. And be it enacted by the authority aforefaid, That if upon trial it fhall appear to the faid fheriff, that the fame may be alienated, granted, or leafed, without hurt or prejudice of the faid owners, proprietors, or occupiers, and fhall be fo found and declared, then, for afcertaining the value or confideration, or rent to be paid for the faid lands and heritages, it fhall and may be lawful to and for the faid fheriff, and he is hereby impowered and required, after the elapfing of the faid fpace in which the perfons who may think themfelves aggrieved are allowed, to apply to the court of feflion for redrefs aforefaid; or in cafe of any fuch application, after a decree of the faid lords fhall be extract- ed thereupon, to fummone and impanel a competent number of difcreet, fubftantial, and difinterefted perfons of the county in which the lands are fituated, not lefs than twenty, nor more than forty, and out of fuch perfons fo fummoned and returned, to name and appoint a jury of fifteen perfons, each of them poffeffed of an eftate of fifty pounds *Scots* valued rent in the county, to come and appear before him, at fuch time and place as by his warrant or precept fhall be directed, and to receive fuch evidence as fhall by either party be brought before him; and the faid fheriff fhall examine the faid evidence upon oath (which oath he is hereby authorifed and impowered to adminifter), touching the value, confideration, or rent, to be paid to the refpective owners, proprietors, or occupiers of the faid lands or heritages, neceffary for erecting the faid light-houfes; and the verdict of the faid jury fhall be final and conclufive: provided always, That all parties concerned fhall have their lawful challenges againft any of the faid jurymen.

Sheriffs to
order pay-
ment of fums
awarded by
verdict of
juries, &c.

IV. And be it further enacted by the authority aforefaid, That the faid fheriff depute fhall, and he is hereby authorifed and required, upon fuch verdict given, to order payment of fuch fum or fums of money, or the rents or certain annual fums, and to ordain the owners, proprietors, or occupiers of fuch lands and heritages, or their trustees, tutors, curators, or administrators, to convey, grant, or leafe to the faid commissioners or trustees, all fuch lands and heritages for the purpofes aforefaid; and all contracts, agreements, fales, leafes, or other conveyances, made or directed to be made, fhall be valid to all intents and purpofes; any law, ftatute, ufage, or any other matter or thing whatfoever, to the contrary thereof notwithstanding: and all trustees, tutors, or curators, corporations, proprietors, or incumbancers, fubject to tailzies, and all other perfons, are and fhall be hereby indemnified for what they fhall do by virtue of, or in purfuance of this act: provided always, That the price, confideration, feu-duty, rents, or annual fum, to be paid for the faid lands, fhall be fettled or vefted, in trustees, fo as to defcend and be devifed to the fame heirs of tailzie, and be fubject to all fuch trusts, conditions, and limitations, as are contained in the original fettlements, deeds, or tailzies, of the refpectively lands fo conveyed for the purpofes aforefaid.

Commission-
ers to appoint
collectors.

V. And be it enacted, That it fhall and may be lawful to and for

for the faid commissioners or trustees to chufe and appoint, by writing under their hands, clerks or collectors for levying the duties herein-after mentioned, and fuch other officers as they fhall judge neceffary to be employed under them, for carrying this act into execution, and from time to time to remove fuch officers, or any of them, and to appoint others in their ftead, and to fettle fuch fees or falaries to fuch clerks, collectors, and other officers, as the faid trustees fhall judge reasonable.

VI. And be it further enacted by the authority aforefaid, That it fhall and may be lawful to and for the faid commissioners or trustees to erect, or caufe to be erected, upon the forefaid lands, proper light-houfes, with fuch other buildings and conveniences as to them fhall appear neceffary; and alfo to erect, or caufe to be erected, breafths or wharfs for landing coals or fuel for burning in fuch light-houfes, or any materials neceffary for the building and maintaining the fame; and alfo to make, or caufe to be made, roads from the faid breafths or wharfs to the faid light-houfes.

Commissioners to erect light-houfes, etc.

VII. And be it further enacted by the authority aforefaid, That from and after the time fuch light-houfes fhall be finifhed, in fuch manner as to have the proper lights or fignals put up therein, it fhall and may be lawful to and for the faid trustees, or for fuch perfons as they fhall appoint, to demand, collect, receive, and take, of and from all and every the mafters and owners of every fhip or decked vefffel, the fums following; (that is to fay),

When light-houfes are completed, the duties following to be paid by fhips paffing them.

From every *British* fhip or decked vefffel, navigated according to law, which fhall pafs any of the faid light-houfes, whether the faid fhip or vefffel fhall be outward or homeward bound, or on a foreign voyage, or failing coaftways, a fum not exceeding one penny fterling *per ton*:

For every British vefffel, 2d. fterling per ton:

And for every foreign fhip or decked vefffel, paffing as aforefaid, a fum not exceeding two-pence fterling *per ton*.

If foreign, 2d. per ton.

VIII. Provided always, and be it further enacted by the authority aforefaid, That the faid commissioners or trustees fhall, out of the duties hereby granted, fatisfy and pay to the owners, proprietors, or occupiers of the faid lands, on which the faid light-houfes are to be erected, the confideration, feu-duty, or rent agreed or awarded to be paid for the fame.

Confideration money for lands to be paid out of the duties.

IX. And be it enacted by the authority aforefaid, That the faid trustees fhall keep and enter, in proper books, minutes of their proceedings, and fair, juft and true accounts of the receipts and difburfements of all monies which fhall be received or expended by them in confequence of this act, and fhall caufe to be made out and properly authenticated, once in every year, four copies of the faid accounts, whereof one fhall be tranfmitted to the lord high treafurer of *Great Britain*, or lords commissioners of his Majefty's treafury; two to the commissioners of his Majefty's customs at *Edinburgh*, to be prefented by them

Annual accounts of receipts and difburfements to be fent to the treafury, etc.

to

to both houfes of parliament; and one to be delivered to the annual convention of the royal boroughs in *Scotland*.

Commissioners may borrow 1,000l. and the expences of this act, on credit of the duties.

X. And be it further enacted by the authority aforefaid, That the faid commissioners or trustees fhall be, and they are hereby impowered and declared to have full power and lawful authority, at any time or times hereafter, by any mortgage or mortgages, or any act or acts, deed or deeds, under their hands duly executed, to borrow or take up, at a rate of interest not exceeding the lawful interest at the time of the loan, any fum or fums of money, not exceeding one thoufand pounds fterling, upon the fecurity and credit of the duties granted by this act, for answering the expences of making the works aforefaid, and fuch further fum as fhall be fufficient to difcharge the expence of obtaining and paffing this act; and may affign fuch duties to any perfon or perfons, body politick or corporate, who fhall furnifh or advance fuch money, or any part thereof, as a fecurity for repayment of the fame.

No entry of fhips liable to the duty to be received, unlefs a receipt for the fame be produced.

XI. And, to the intent the duties may be duly answered and paid, be it further enacted by the authority aforefaid, That the collectors of his Majefty's customs, comptrollers, receivers of entries,urveyors or fearchers, waiters, and all other officers of the customs whatfoever, or their refpective deputies or clerks, at any of the ports, harbours, or places of *Great Britain*, fhall not, after the commencement of the faid duties, take or receive any entry or cocquet, or other difcharge or clearance, or take any report outwards, for any fhip or vefel liable or fubject to the faid duties, until the faid duties fhall be paid purfuant to the directions of this act, to the refpective collectors to be appointed by the faid commissioners or trustees to receive the fame, and until fuch refpective mafter or owner of any fhip or vefel, fubject to the faid payment thereof, fhall fhew to fuch refpective officer a receipt for the fame.

Goods may be feized if duties are not paid, etc.

XII. And be it further enacted by the authority aforefaid, That in cafe any owner or mafter, or any perfon having the charge or command of any fuch fhip or fhips, vefel or vefels, charged or chargeable with any of the duties granted by this act, fhall refufe to pay the fame, that then and in fuch cafe it fhall and may be lawful to and for the faid trustees, or the collector or collectors, or other perfons to be appointed by them, to feize, take, and detain, preferable to, and notwithstanding any right of hypothecation, attachment, arreftment, or other right whatfoever, claimable by or due to any perfon, any of the goods, merchandize, guns, tackle, furniture, and apparel, of or belonging to any fuch fhip or vefel, and the fame to detain and keep until the faid duties fhall be fatisfied and paid; and in cafe of any neglect or delay in payment of the faid duties for the fpace of three days after fuch feizing, taking, or detaining, that then it fhall and may be lawful for the faid trustees, or the collector or collectors, receiver or receivers of the faid duties, or fuch perfon or perfons as the faid trustees fhall authorife and appoint, to caufe the fame to be appraifed by two or more fuffi-

cient perfons or fworn appraisers, and afterwards to fell and difpofe of the goods fo taken and appraifed, and thereout to fatisfy the faid duties fo neglected to be paid, together with the charges of fuch feizing, taking, detaining, and felling the fame, fhall be afcertained by the faid feizers, upon oath, rendering to the maf- ters or owners of fuch fhip or vefel the overplus (if any there be) on demand: provided neverthelefs, That nothing in this act contained fhall extend, or be conftrued to extend to charge any of the fhips or vefels belonging to his Majefty, his heirs or fuceffors; or any vefel or wherry employed in the fervice of his Majefty's revenue, or any fhips or vefels employed in the *Greenland* or other northern whale fishery, or going to *Archangel* in *Ruffia*, or returning from thence, provided the faid fhips re- turn before the fifteenth day of *September* in each year.

Exemption from duties in favour of the royal navy, etc.

XIII. Provided alfo, and be it enacted, That no fhip or vefel, whether outward or homeward bound, or failing coast- ways, fhall pay more than one penny or two-pence as aforefaid, although the faid fhip or vefel fhall have, in the courfe of the faid voyage, paffed more than one of the faid light-houfes.

Vefels paffing more than one light-houfe to pay duty only once.

XIV. And be it further enacted, That as foon as the four light-houfes aforefaid are built and lighted in a proper manner, notice thereof fhall be given by the commiffioners or trustees three feveral times in the *London Gazette*, and in all the *Edin- burgh* newspapers; and the faid duty on the tonnage of fhips and vefels paffing the faid light-houfes fhall only commence and be exigible one calendar month after the date of fuch firft notice in the faid *Gazette* and newspapers.

Duties not payable till a month after notice of the light-houfes being completed.

XV. And it is hereby further enacted and declared by the authority aforefaid, That the faid light-houfes and other build- ings fhall be vefted in the faid trustees or commiffioners, who fhall, from time to time, keep and maintain the fame in good and fufficient repair, and fhall in the night feafon maintain a proper fire or light therein, fo as the trade, navigation, and the fisheries may be effectually benefited, according to the true in- tent and meaning of this act, and it fhall and may be lawful to and for the faid commiffioners and trustees, out of the faid du- ties granted by this act, to pay all juft and reasonable fums of money and charges that fhall or may be expended in erecting, maintaining, and fupporting the faid light-houfes, and fire or light to be kept therein, together with all other charges which fhall be proper and neceffary for executing the aforefaid trust, and the intereft of all fuch fums from the refpective times of advancing the fame until reimbursement, with the charges of collecting and recovering the duties aforefaid, and likewise to the difcharge of the principal of the faid fums.

Light houfes to be vefted in the commif- fioners, etc.

XVI. And be it further enacted by the authority aforefaid, That if any furplus fhall remain, after the feveral payments herein-before directed to be made, the fame fhall, once in every year, be vefted in fome one or other of the publick funds of the kingdom, and fhall be allowed, together with its intereft, to accumulate until the yearly intereft of the fame fhall amount

Surplus of duties to be vefted in the funds, and when fuffici- ent to the ex-

pences of the light-houfes, duties to ceafe.

to a fum equal to the whole expence attending the faid light-houfes; and that, how foon the faid intereft fhall amount to the fum neceffary for the purpofes of the faid light-houfes, then, and in that cafe, the fums that fhall have been heretofore payable by the feveral fhips and veffels paffing the faid light-houfes, fhall *ipfo facto* ceafe, determine, and be no longer payable.

Commissioners may compound for duties.

XVII. And be it enacted by the authority aforefaid, That if the faid commissioners or trustees, at their annual general meeting to be herein-after appointed, fhall find that the payment of the feveral duties aforefaid bears particularly hard on any fhips or veffels, by reafon of the faid fhips or veffels paffing frequently in the fame year fome one or other of the faid light-houfes, and being employed in a trade which cannot bear a frequent repetition of the faid duties, it fhall be lawful for the faid commissioners or trustees, on a representation from the mafters or owners of the faid fhips or veffels, or of the perfons concerned in the faid trade, and on the truth of the allegations contained in the faid representation being proved to the fatisfaction of the faid commissioners or trustees, to compound with, or agree by the year with, the mafters or owners of the faid fhips or veffels for a leffer fum than the duties *per ton* exigible at the time would amount to.

Meetings of commissioners.

XVIII. And, for carrying this act into execution, be it enacted by the authority aforefaid, That there fhall be a general meeting of the faid commissioners or trustees, held at *Edinburgh* on the firft *Tuesday* of *Auguft*, in the year one thoufand feven hundred and eighty-fix, and in every fubfequent year on the *Tuesday* of the week in which the general convention of the royal boroughs in *Scotland* is held; which meetings fhall have power to adjourn from time to time: provided always, That all alterations in the rates of the duties to be paid as aforefaid fhall be made at one of the faid general meetings, and the accounts audited and paffed at the faid general meetings.

Defendants may plead this act, and to be entitled to double cofts.

XIX. And be it further enacted by the authority aforefaid, That, in cafe any fuit or action fhall be commenced againft the faid commissioners or trustees, or any other perfon or perfons, for any thing done in purfuance of this act, the defendant or defendants, in fuch fuit or action, may produce this act, and plead that the faid things were done in purfuance and by the authority of this act, and if it fhall appear fo to be done, that then the defendants fhall be abfolved from every fuch fuit, action or actions, and fhall have double cofts and expences in the defence thereof awarded to them, from and againft the profeutor or profeutors of the fame.

Sheriffs, etc. to affift in the execution of this act.

XX. And be it further enacted by the authority aforefaid, That all fheriffs, justices of the peace, judges, and magiftrates, with their officers, meffengers at arms, and all other officers and executors of the law whatfoever, and every of them, are hereby required to be aiding and affifting in putting this act into due and effectual execution.

XXI. And

XXI. And be it further enacted by the authority aforefaid, That this act fhall be deemed, taken, and allowed, in all courts of law or equity, as a publick act; and all judges and juftices of fuch courts are hereby required to take notice of it as fuch, without fpecially pleading the fame. Publick act.

C A P. CII.

An act for enlarging the term and powers of an act, paffed in the fifth year of his prefent Majefty's reign, for impowering the commiffioners for putting in execution the feveral acts paffed for paving, cleaning, and lighting the fquares, ftreets, and lanes, within the city and liberty of Weftminfter, and parts adjacent, to collect certain tolls on Sundays upon the feveral roads therein mentioned, and apply the fame for the purpofes of the faid acts.

5 Geo. 3. c. 13, recited, 7 Geo. 3. c. 101, and continued for 21 years (except as to ftamp duties). Enabling the trustees to apply part of the tolls in aid of the 1000l. per ann. paid for paving piccadilly, etc. Expences of this act to be paid out of the firft money raifed.

C A P. CIII.

An act for affeffing the commiffioners, clerks, and other officers of the office for victualling his Majefty's navy, for their falaries, and the profits of their refpective offices; to the land tax, in the manor of Eaft Smithfield, in the tower divifion, in the county of Middlefex, notwithstanding the removal of the faid office into any other divifion or place.

c. 3. land tax this feffion. Commiffioners, etc. of victualling office to continue to be affeffed to the land tax in Eaft Smithfield, on the removal of the office; but one fourth of affeffment for appointments created fince Feb. 15, 1692, and the whole for thofe from Dec. 25, 1785, to be paid to the divifion to which the office may be removed. Publick act.

C A P. CIV.

An act for allowing a drawback of the duties upon coals ufed in fmelting copper and lead ores, and in fire engines for draining water out of the copper and lead mines, within the Ifle of Anglefey.

WHEREAS there are within the Ifle of Anglefey confiderable mines of copper and lead, but for want of coals and other fuel within the faid ifle, proper for fmelting the copper and lead ores raifed from the faid mines, the faid ores, in order to be fmelted, are always carried to places where coals pay no duty, as under the prefent duties upon coals, added to the expences of freight, and other charges, the ore from the faid mines cannot be fmelted within the faid ifle without confiderable lofs to the proprietors, who are thereby prevented from working the faid mines effectually: and whereas, by reafon of the increafing depth of the faid mines and the fituation of the ore, it will be impoffible for the water to be kept out of them without the help of fire engines, in working of which great quantities of coals muft be ufed, whereby the owners and proprietors of the faid mines will be under the fame difficulties and difcouragements as in fupplying themfelves with coals for the purpofe of fmelting: and whereas the encouragement of the working of copper and lead mines within the

Said ifle will contribute as well to the employment of many miners and labourers within the ifle, as to the increafe of the trade and manufactures of the kingdom in general: may it therefore please your Majefty that it may be enacted; and be it enacted by the King's moft excellent majefty, by and with the advice and confent of the lords fpiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That, from and after the fifth day of July, one thousand feven hundred and eighty-fix, for all coals which fhall be ufed in calcining or fmelting copper and lead ores, within the Ifle of Anglefey, or which fhall be ufed in fire engines for draining water out of the mines of copper and lead within the faid ifle, for which duties have been firft answered and paid, a drawback fhall be allowed and made of all fuch duties, upon proof by oath being firft made before the customer or collector of the faid duties (which oath he is hereby impowered and required to adminifter) that fuch coals have been fo ufed and applied; which drawback of all the faid duties fhall be returned and paid, by the collector of the faid duties, to fuch perfon or perfons fo making proof as aforefaid, or fuch other perfon or perfons as hath or have firft answered and paid the faid duties.

From July 5, 1786, drawbacks to be allowed of all duties paid for coals ufed for fmelting copper and lead ores, etc. in Anglefey.

Drawbacks not to exceed 1,500l. in one year.

II. Provided always, and it is hereby enacted by the authority aforefaid, That the amount of fuch drawbacks fhall not exceed the fum of one thousand five hundred pounds in any one year, to commence and be computed from the twenty-fourth day of June, annually; and that the customer or collector of the faid duties fhall keep an account of the drawbacks returned and paid by him in purfuance of this act, and that he fhall not allow or return duties to a greater amount than herein-before mentioned; any thing herein contained to the contrary thereof in anywife notwithstanding.

C A P. CV.

An act for continuing the falaries and profits of the commiffioners, clerks, and other officers, of the pay office and navy office refpectively, rateable to the land tax, in the wards of Broad Street and Tower, within the city of London, notwithstanding the faid offices fhould be removed into any other divifion or place.

Land tax c. 3. of this feffion. Commiffioners, etc. of the navy pay office, and navy office, to continue to be affeffed to the land tax in the wards of Broad-ftreet and Tower, though the offices be removed. One fourth of affeffment for appointments created fince Feb. 15, 1692, and the whole for thofe created fince Dec. 25, 1785, to be paid to the diftrict to which the offices may be removed. Publick act.

C A P. CVI.

An act for incorporating certain perfons therein named, by the name and ftile of The Britifh Society for extending the Fisheries, and improving the Sea Coafts of this Kingdom; and to enable them, when incorporated, to fubfcribe a joint flock, and therewith to purchafe lands, and build thereon free towns, villages, and fifhing

ing Stations in the highlands and islands in that part of Great Britain called Scotland; and for other purposes.

WHEREAS the building of free towns, villages, harbours, Preamble.
quays, piers, and fishing stations, in the highlands and islands of North Britain, will greatly contribute to the improvement of fisheries, agriculture, manufactures, and other useful objects of industry in that part of the kingdom, in which the dispersed situation of the inhabitants hath hitherto proved a great impediment to their active exertions; and their being collected into fishing towns and villages would be the means of forming a nursery of hardy seamen for his Majesty's navy, and the defence of the kingdom: and whereas the finding immediate employment at home for great numbers of people, would be the means of putting a stop to the dangerous spirit of emigration now prevailing, and likely to prevail in a great degree, to the depopulation of that part of his Majesty's dominions, and loss to the kingdom of many of his Majesty's useful subjects: and whereas an undertaking for these laudable purposes cannot be so conveniently or effectually carried on unless a considerable joint stock be raised for that purpose: and whereas several persons have already formed themselves into a society, and subscribed considerable sums for carrying the purposes above-mentioned into execution, but are apprehensive that difficulties may arise, as well in recovering debts which may grow due to the joint stock, as in defending suits or actions which may be commenced or brought against the subscribers for any matter or thing relative to the joint society; as by law; all the several subscribers and proprietors in the joint society must, in such cases, both sue and be sued, implead and be impleaded; by their several distinct names and descriptions, and to prevent the several subscribers from becoming liable to the payment of any sum or sums beyond their respective shares in such capital joint stock; therefore, for the more easily carrying into execution the several undertakings herein-before mentioned, and for avoiding the difficulties aforesaid, the said society are desirous of being incorporated, and having a common seal and name, by which they may sue and be sued, implead and be impleaded: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the most noble John duke of Argyle, the most noble John duke of Athol, the right honourable George Campbell commonly called Marquis of Lorn, the right honourable James Graham commonly called Marquis of Graham, the right honourable Archibald earl of Eglinton, the right honourable Francis earl of Moray, the right honourable James earl of Abercorn, the right honourable John earl of Breadalbane, the right honourable John earl of Dunmore, the right honourable Anthony earl of Kintore, the right honourable Adam Gordon commonly called Lord Adam Gordon, the right honourable Frederick Campbell commonly called Lord Frederick Campbell, the right honourable George Leveson Gower commonly called Earl Gower, the right honourable lord Mac-

Members of
the corpora-
tion.

donald, the right honourable Henry Dundas, the honourable major general James Murray, the honourable Archibald Fraser, fir Harbord Harbord baronet, fir Hugh Munro baronet, fir Adam Furguffon baronet, fir James Riddle baronet, fir Robert Herries knight, fir George Young knight, Ilay Campbell efquire, Archibald Macdonald efquire, captain Colin Campbell, Neil Malcolm, Francis Humberstone Mackenzie, George Dempfter, John Hamilton Dempfter, Duncan Campbell of Lochuell, Kenneth Murchifon, George Steuart, John Mackenzie of Bifhopgate Street London, Kenneth Mackenzie of Terridan, major James Munro, Angus Macaulay, colonel John Small, John Miller, John Call, Henry Beaufof, John Macgillivray, John Knox, John Mackenzie of Leniron, George Cuthbert, Lewis Cuthbert, Alan Cameron, lieutenant John Mackoy, Alexander Anderfon, Isaac Hawkins Brown, Patrick Home, captain Donald Campbell, Thomas Hoby, James Frafer, William Wilberforce, Duncan Campbell of Minching Lane London, Alexander Blair, John Campbell, David Dale, Alexander Roff, Duncan Davidfon, David Mitchell, captain William Frafer, Kenneth Mackenzie of Gower Street London, Alexander Pringle, J. S. F. Frafer, James Webfter, David Webfter, Callender late of Bombay, David Anderfon; general Fletcher Campbell, John Ogilvie, Thomas Longlands, lieutenant general Henry Fletcher, Adam Drummond, Alexander Frafer, Robert Grant, William Grant, John Paisly, Thomas Ogilvie, William Hamilton, James Stewart, Alexander Macintosh, Robert Fairful, lieutenant Roderick Mackenzie, John Grant, Thomas Miles Riddle, lieutenant general Richard Prefcott, lieutenant general Edward Maxwell, their executors, administrators, and affigns, and every other person or persons, who fhall hereafter, either in their own right, or as executors, administrators, fucceffors, or affigns, in right of any other person or persons, become proprietors of, or interefted in any part or fum of the faid joint capital ftock or fund herein-after mentioned, fhall be, and they are hereby made a diftinct and feparate body politick and corporate, in deed and in name, by the name or ftile of *The British Society for extending the Fisheries, and improving the Sea Coafths of this Kingdom*; and that by the above name they fhall have fucceffion and a common feal, and that they and their fucceffors may, from time to time, break, alter, or make new or change fuch common feal, as fhall be found moft expedient; and that the faid fociety fhall be able and capable in law, and fhall have perfect and full power and ability in law, to have, purchafe, receive, take, and enjoy lands, tenements, and hereditaments of what kind, nature, or quality foever.

Corporate name.

Bodies corporate, etc. may fell and convey lands.

II. And be it enacted by the authority aforefaid, That any person or persons, body politick or corporate, may give, grant, bargain, fell, or convey to the faid fociety, any lands, tenements, or hereditaments, for the ufe and benefit of the faid fociety; and that the faid fociety fhall have power and ability in law to grant, fell, demife, alien, or difpofe of fuch lands, tenements, and hereditaments, or any part thereof, at their will and

and pleasure, and in their corporate name shall and may be able in law to sue and implead, be sued and impleaded, answer and be answered, in any court of record or elsewhere, in all causes and actions whatsoever, for, touching, or concerning the said corporation.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said society to raise a capital joint stock, to be applied to purchasing or otherwise acquiring lands and tenements in perpetuity, and for the building of free towns and villages, harbours, quays, piers, and fishing stations, on such lands so purchased or acquired, and on no other lands or tenements whatsoever, not exceeding the sum of one hundred and fifty thousand pounds sterling, at such time and in such proportions as at any general court or courts of the said society to be holden in pursuance of this act shall be directed; and that the same shall be divided into a number of shares, each share not exceeding the sum of fifty pounds sterling; and that no one person subscribing shall become proprietor of more than ten shares, in his, her, or their names, otherwise than by bequest or operation of law; and if it shall so happen, that any number of persons subscribing, are actually members of a joint partnership in business, they shall jointly be considered as one name or person, holding a share or shares not exceeding ten in number, for any one joint partnership, or in the name of any other person or persons in trust for him, her, or them (except the same shall come to him, her, or them, by devise, bequest, marriage, or act of law), upon pain of forfeiting to the said society all such shares, exceeding ten shares as aforesaid, and the money so to be raised is hereby appointed to be applied in the purchase of lands, as aforesaid, and for the purpose of building by publick advertised contracts, free towns and villages, harbours, quays, piers, and fishing stations thereupon: provided always, That it shall in no case be lawful for the said society to borrow any sum or sums of money whatsoever; and they are hereby prohibited from borrowing the same.

IV. And be it further enacted by the authority aforesaid, That the said sum of one hundred and fifty thousand pounds sterling, or such sum as shall be raised, by the persons hereinbefore named, or by such person or persons as may hereafter become a proprietor or proprietors of the said society, so divided into shares of fifty pounds sterling each share, shall be, and the same are hereby vested in the several persons herein-before described, and their several respective executors, administrators, successors, and assigns, for their and every of their proper use and benefit, proportionably to the sum they and each of them shall severally subscribe and pay thereunto; and all and every of the said shares shall be deemed to be personal estate, and transmitted as such, and not of the nature of real property; and all and every person or persons, their several and respective executor or executors, administrators and assigns, who shall severally subscribe the sum of fifty pounds sterling, or such sum or sums

as fhall be demanded in part thereof, towards eftablifhing and carrying into execution the undertakings of the faid fociety, fhall be entitled to and receive the entire and neat diftribution of the profits and advantages which fhall or may arife or accrue by virtue of the faid fum and fums of money to be raifed, recovered, and received by the authority of this act, and fo in proportion for any greater number of fhares, not exceeding ten fhares as aforefaid, and every perfon or perfons having fuch property of one fhare of the faid undertaking, and fo in proportion as aforefaid, fhall bear and pay a proportionable fum of money towards carrying on the faid undertaking, in manner herein-after enacted, directed, and appointed, fuch fum or fums not exceeding fuch fhare or fhares, as any perfon or perfons fhall have fubfcribed to the capital ftock of the fociety.

Votes accord-
ing to fhares.

V. And, to the end that all matters and things touching or relating to the eftablifhing and carrying on the faid fociety, may be managed and conduced in the moft beneficial manner; be it further enacted by the authority aforefaid, That every perfon who fhall have fubfcribed for one fhare of the joint ftock, his or her refpective executors, administrators, and affigns, in every or any publick meeting or afsembly to be held as herein-after directed for carrying on the bufinefs of the faid fociety, fhall have liberty, by him or her, or by his or her proxy, under his or her hand, to give for one or two fhares, one vote, and no more; for three or four fhares, two votes, and no more; for five, fix, or feven fhares, three votes, and no more; for eight or nine fhares, four votes, and no more; for ten fhares, five votes, and no more; and whatever queftion of election, or other queftion whatfoever, fhall be propofed, difcuffed, or confidered, in any publick afsembly or meeting to be held under and by virtue of this act, fhall be finally determined by the majority of votes then prefent in perfon or by proxy, qualified as aforefaid.

Shares held
by more than
one perfon.

VI. And be it enacted by the authority aforefaid, That, in cafe more perfons than one fhall incline to hold in their joint names one or more fhares of the faid joint ftock, one only of fuch perfons fhall be entitled to vote when prefent, according to the priority of their names in the original fubfcription, or they may in the abfence of the whole give their vote or votes by proxy, as herein-before mentioned, to be appointed by a majority of the faid joint fubfcribers under their hands; and that all bodies politick and corporate, who fhall be proprietors of any fhare or fhares in the faid joint ftock, fhall be entitled in like manner to vote by proxy, duly conftituted under their corporate feal.

Shares held by
proxy.

VII. And be it enacted by the authority aforefaid, That no perfon fhall be capable of acting as proxy, unlefs he be a proprietor, and that no one proprietor fhall hold more than five votes by proxy.

Subfcriptions
to be entered
in a book.

VIII. And be it further enacted by the authority aforefaid, That a book or books for fubfcriptions fhall be provided within one month after the tenth day of *July*, one thoufand feven hundred and eighty-fix; in which book or books the faid joint ftock fhall

shall be subscribed by the members of the said society, and that none of the said members shall subscribe more than the sum of five hundred pounds sterling in his, her, or their names; and that all and every the proprietors of the sums so subscribed shall pay his, her, or their shares and proportions of the monies subscribed, at such times and places as shall be appointed for the receipt of such sums of money as shall from time to time be ordered to be paid in pursuance of any call or calls to be made, in manner to be regulated by the bye-laws of the society, of which several calls two calendar months notice at the least shall be given, by publishing the same in the *London Gazette*, by the direction of a general meeting of the said proprietors; and if any person or persons shall wilfully neglect or refuse to pay his, her, or their rateable and proportionable part or share, parts or shares, of such monies so to be called for as aforesaid, within not less than two calendar months after the time appointed for the payment thereof; and after personal notice given to him or her, or notice in writing left at his or her usual or last place of abode, then he, she, or they, so neglecting or refusing, shall forfeit a sum amounting to ten pounds *per centum* on his, her, or their respective share or shares in the capital stock of the said society.

IX. And be it further enacted by the authority aforesaid, That whenever any proprietor shall have incurred the penalty aforesaid of ten pounds *per centum* on such share or shares as he or she may be possessed of in the capital stock of the said society, for nonpayment in due time as aforesaid of his or her rateable proportion of money so called for as aforesaid, and such forfeiture shall have been declared at some general meeting of the proprietors, it shall and may be lawful at the same, or at any subsequent general meeting, for any ten or more of the proprietors then present, to order and direct a further notice to be given to such proprietor; and in case he or she shall not within two months after such notice served personally, or left at his or her most usual or last place of abode, pay or cause to be paid all such sum or sums of money as shall be then due and owing upon any call or calls as aforesaid, and for nonpayment of which such former forfeiture shall have been incurred; and shall not also pay or cause to be paid an additional sum of ten pounds *per centum* on such share or shares as such proprietor shall have subscribed towards the capital stock of the said society, then such proprietor, in case the nonpayment of such sum or sums of money shall have been declared at some general meeting of the said proprietors, shall forfeit all his interest, share and property in the capital stock of the said society, together with all such sums as shall have been paid in, or shall be then due and owing from any call or calls as aforesaid, which last mentioned sum or sums due and owing from any call or calls as aforesaid, and the respective penalties of ten pounds *per centum*, and ten pounds *per centum*, herein-before mentioned, shall and may be recovered by action of debt in any of his Majesty's courts of record at

If penalties are not paid, and calls answered,

defaulter to forfeit his share, &c.

Westminster,

Westminster, or by fuit in the court of feffion in *Scotland* refpectively: provided always, That it fhall and may be lawful for the faid proprietors; at any general meeting to be held after fuch forfeiture fhall have been incurred, to postpone, mitigate, or remit the fame.

On the death of proprietors before fhare completed, executors may do it.

X. Provided always, and be it further enacted, That if the proprietor of any fhare in the faid undertaking fhall die before payment fhall have been made of the full fum to be advanced on each fhare which he or fhe fhall have been poffeffed of or entitled to, without having made provision, by will or otherwife, for the payment of the fame, then and in fuch cafe the executors and adminiftrators of fuch proprietor, and the trustee or trustees, guardian or guardians, of any infant or other perfon entitled to the eftate or effects of fuch proprietor, fhall be indemnified againft fuch infant, and all other perfons whomfoever, for paying any fum or fums of money, when called for as aforefaid, to complete every fuch fubfcription; and if fuch deceased proprietor fhall not have left effects fufficient, or in cafe any fuch executor or adminiftrator, trustee or guardian, fhall refufe or neglect to anfwer fuch calls and payments, the faid fociety fhall be and are hereby impowered, authorized, and required to admit any other perfon or perfons to be proprietor or proprietors of the fhare or fhares of fuch deceased proprietor, on condition that he, fhe, or they, fo admitted, do and fhall, on or before fuch admiffion, pay to the executors or adminiftrators of fuch deceased proprietor, or the trustee or trustees, guardian or guardians of any infant, or others entitled to his or her effects, the full money which fhall have been paid by fuch deceased proprietor in his or her life time, by virtue of any call or calls, or otherwife, upon fuch fhare or fhares, or fo much money as the fame can be fold for.

Shares may be difpofed of.

XI. And be it further enacted, That it fhall be lawful for any of the faid proprietors to fell or difpofe of any fhare or fhares he, fhe, or they fhall and may be intituled to therein, in manner and fubject to the rules and conditions herein mentioned; and for that purpofe duplicates of the deed of bargain and fale, or transfer of fuch fhare or fhares, fhall be executed by every vendor and vendee, and one part thereof, fo executed, fhall be delivered to the fecretary of the faid fociety, to be filed and kept for the ufe of the faid fociety, and an entry thereof fhall be made in a book or books to be kept by the faid fecretary for that purpofe; and the faid fecretary, or his deputy, is hereby required to make fuch entry accordingly; and until the duplicate of fuch deed or transfer fhall be fo delivered to the faid fecretary, or to his deputy, fuch purchafers or purchafers fhall have no part or fhare of the profits of the faid undertaking, nor any intereft paid him, her, or them, for and in refpect of fuch fhare or fhares fo purchafed, nor be entitled to vote as a proprietor or proprietors of the faid joint ftock: provided always, That after any call of fuch monies fhall be made by a general meeting, no perfon or perfons, bodies corporate or collegiate, fhall fell or transfer any

After a call no fhare to be fold till the money paid.

ſhare which he, ſhe, or they, ſhall then have in the ſaid joint ſtock, until the monies called for upon his, her, or their ſhare or ſhares, ſo to be ſold, ſhall be paid; and every perſon making default herein ſhall forfeit his, her, or their ſhare or ſhares in the ſaid joint ſtock to the ſaid ſociety, for the benefit of the reſt of the ſaid proprietors; (unless the perſon or perſons who ſhall be vendor or vendors, ſhall, at the time of ſuch ſale or transfer, pay the money called for upon every ſhare ſo ſold or transferred, into the bank of *England*, bank of *Scotland*, or royal bank of *Scotland*), ſuch forfeiture having been firſt notified and declared at a general meeting, in manner above directed.

XII. And be it further enacted, That every transfer of the ſaid ſhares ſhall be in the form, or to the purport and effect following:

I A. B. in conſideration of paid to me
 by C. D. do hereby bargain, ſell, and transfer to the ſaid C. D. Form of the
 his or her executors, adminiſtrators, and aſſigns, transfer.
 ſhare or ſhares, [as the caſe may be] in the joint ſtock of the ſociety
 for extending the fiſheries, and improving the ſea coaſts of this king-
 dom; ſubject to the ſame rules and orders, and on the ſame conditions,
 that I held the ſame immediately before the execution hereof: and I
 the ſaid C. D. do hereby agree to accept of the ſaid
 ſhare [or ſhares] ſubject to the ſame rules, orders, and conditions:
 Witneſs our hands, the day of
 in the year of our Lord

XIII. And, for the better ordering, managing, and governing the affairs of the ſaid ſociety, and for eſta bliſhing a continual ſucceſſion of perſons to be directors of the ſame; be it enacted by the authority aforeſaid, That there ſhall be (of the members of the ſaid ſociety holding one full ſhare in the joint ſtock of the ſame reſpectively) a governor, deputy governor, and fifteen directors, of whom the ſaid governor and deputy governor ſhall always be two, of and in the ſaid ſociety, which directors, or any ſeven or more of them, ſhall be, and be called, *A Court of Directors for the ordering, managing, and directing the affairs of the ſaid ſociety.* Governor, deputy governor, and directors.

XIV. And be it alſo enacted by the authority aforeſaid, That the members of the ſaid ſociety ſhall, on or before the tenth day of *Auguſt*, one thouſand ſeven hundred and eighty-fix, proceed to the election of a governor, deputy governor, and thirteen members of the ſaid ſociety, as aforeſaid, to be their directors as aforeſaid, in manner following; that is to ſay, That each and every member of the ſaid ſociety ſhall, on or before the ſaid tenth day of *Auguſt*, deliver in, or tranſmit to the ſecretary of the ſaid ſociety a liſt in writing, ſubſcribed with his or her name, and ſubjoining the number of ſhares which he or ſhe holds in the joint ſtock of the ſaid ſociety, containing the names of ſuch members as he or ſhe votes for to be governor, and deputy governor, reſpectively; and alſo of thirteen other members How to be choſen.

bers qualified as aforeſaid, whom he or ſhe ſhall vote for to be directors of the ſaid ſociety; and that all and every ſuch liſt which ſhall contain a greater or leſs number than fifteen names as aforeſaid, ſhall be rejected and of no effect; and that the thirteen members whoſe names ſhall be inſerted in the greater number of ſuch liſts as aforeſaid, ſhall be the directors of the ſaid ſociety; and that ſuch perſons whoſe names ſhall be contained in the greater number of ſuch liſts for filling the offices of governor and deputy governor, ſhall be governor and deputy governor of the ſaid ſociety: provided, that if it ſhall ſo happen that any two or more perſons named in ſuch liſts as aforeſaid ſhall have an equal number of votes, the names of ſuch two or more perſons ſhall be placed in a box, and drawn out by the ſecretary of the ſaid ſociety; and the perſon whoſe name ſhall be drawn out ſhall be a governor, deputy governor, or director of the ſaid ſociety, as the caſe may happen; and the ſecretary ſhall in like manner draw out ſucceſſively a ſufficient number of names to complete the number of thirteen directors, who ſhall be directors accordingly.

To continue
to March 25,
1787.

XV. And be it further enacted by the authority aforeſaid, That the governor, deputy governor, and directors, ſo firſt choſen as aforeſaid, ſhall ſerve and continue in their reſpective offices until the twenty-fifth day of *March*, one thouſand ſeven hundred and eighty-ſeven; and that a new election of a governor, deputy-governor, and thirteen directors, ſhall be then made in manner aforeſaid; and on the twenty-fifth day of *March* in each and every ſucceeding year, a like election ſhall be made, unleſs the ſame ſhall happen on a *Sunday*, and then on the *Monday* following; and that ſuch governor, deputy governor, and directors, ſhall ſerve and continue in their reſpective offices for one whole year next enſuing their reſpective elections.

Their powers.

XVI. And be it enacted by the authority aforeſaid, That the ſaid governor, deputy governor, and directors, or the major part of them, ſhall and may, from time to time, aſſemble and meet together at any convenient place or places within the cities of *London* or *Westmiſter*, and then and there hold courts of directors; and ſhall at ſuch courts have power and authority to order and direct all the affairs and buſineſs of the ſaid ſociety, ſubject to the bye-laws and directions of all general meetings of the ſaid ſociety, and ſhall have power to name committees of themſelves, and to appoint all ſubordinate officers.

Governor, &c.
to be ſworn.

XVII. And be it further enacted by the authority aforeſaid, That every governor, deputy governor, and director of the ſaid ſociety, ſo to be elected as aforeſaid, before they be admitted to the execution of their reſpective offices or places of governor, deputy governor, or director, ſhall take the following oath before any two or more of the ſaid proprietors, who are hereby impowered to adminiſter the ſame:

The oath.

I A. B. do ſwear, That I will diſcharge the truſt and duties of governor (deputy governor, or director, as the caſe may be) of

of the British fociety for extending the fisheries and improving the sea coasts of this kingdom, truly and faithfully, to the best of my judgement and understanding.

So help me G O D.

XVIII. And be it enacted by the authority aforesaid, That out of the said proprietors holding one full share respectively, there shall be chosen and appointed in like manner, and at the like times, five persons, (not being governor or deputy governor, or director or other officer) to examine and audit the accounts of the said society once in every year, and to prepare and lay before the general meeting, the accounts of the said society in a clear, accurate, and distinct manner, one copy of which shall be reserved in the office for the inspection of any proprietor who shall desire to see the same. Auditors chosen.

XIX. And be it enacted by the authority aforesaid, That there shall be holden one general meeting of the said proprietors on the twenty-fifth day of *March* in each and every year; and if the same shall happen on a *Sunday*, then on the *Monday* following at noon, in the cities of *London* or *Westminster*, and that if at any time it shall appear to any nine or more proprietors, that for the more effectually putting this act in execution, an occasional general meeting of proprietors shall be necessary to be held, the governor, deputy governor, or any three or more of the said directors, on request made in writing by such nine proprietors to the said governor, deputy governor, or directors, shall cause notice to be given thereof in the *London Gazette*, and in such other manner as the said proprietors, their successors or assigns, shall at any general meeting direct or appoint, declaring in such notice the place where, and the time when, such meeting is to be held, the same to be held within one calendar month from and after such notice given, and likewise specifying in every such notice the reason for and intention of such meetings respectively; and the proprietors are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this act given them; and every act of the proprietors, or the major part of them, at such meetings assembled, shall be as valid to all intents and purposes as if the same had been done at an annual general meeting held in manner herein before directed. Provided always, That at all general and ordinary meetings the governor, or in case of his absence the deputy governor, or in case of the absence of both, a chairman, who shall be then and there chosen, shall, in case of an equality of voices, have a casting vote; and that all general meetings, ordinary or extraordinary, assembled as before directed, shall have the power of adjourning themselves to such time as they shall deem necessary. General meetings how to be called.

XX. And it is hereby further enacted by the authority aforesaid, That in case the governor, deputy governor, or any of the directors for the time being shall happen to die, or resign his office before the expiration of the said year for which he or they Directors, dying, others to be chosen.

they ſhall be ſo elected, that then and from thenceforth it ſhall and may be lawful to and for the ſaid governor or deputy governor, or any three of the ſaid directors, if they ſee fit, to ſummon and call together a general meeting of the proprietors aforeſaid, and then and there to chuſe into the place or places of him or them ſo dying or reſigning, one or more other fit perſon or perſons, as the caſe may happen, to fill up ſuch vacancy or vacancies, and the perſon or perſons ſo choſen ſhall continue in their reſpective offices or places during the remainder of ſuch year, or until the next election of governor, deputy governor, and directors as aforeſaid.

Bye-laws how made and altered.

XXI. And be it further enacted by the authority aforeſaid, That the ſaid proprietors, their ſucceſſors and aſſigns for the time being, ſhall have power and authority at a general meeting to be called for that ſpecial purpoſe, or by adjournment of the annual general meeting, in caſe fifteen or more proprietors preſent at ſuch general meeting, by themſelves or proxy, be poſſeſſed of one hundred ſhares at leaſt; but not otherwiſe, to make ſuch rules, bye-laws, and conſtitutions, for the government of the ſaid ſociety, and for the good and orderly carrying on the buſineſs of the ſaid ſociety; and alſo for the well governing of the officers, ſervants, workmen, and others, who ſhall be employed in and about the buſineſs, and carrying on of the ſaid ſociety, or any part thereof, as to them ſhall ſeem meet; which ſaid rules, bye-laws, and orders, being reduced into writing, under the common ſeal of the ſaid ſociety, ſhall be binding upon, and obſerved by all parties; and ſhall be ſufficient, in any court of law or equity, to juſtify all perſons who ſhall act under the ſame, provided the ſame are not repugnant to the laws of the realm: provided always, That the ſaid rules, bye-laws, and conſtitutions, ſhall not be binding, unleſs they be confirmed by the next general meeting after they are voted, and ſhall not be ſubject to any alteration in the ſame year wherein they have been made.

No transfer of ſtock for three years.

XXII. And be it further enacted by the authority aforeſaid, That no transfer, other than by gift or bequeſt, ſhall be made of any of the ſaid ſtock, or ſhare of or in the ſaid joint ſtock, for the ſpace of three years from the tenth of *Auguſt*, one thouſand ſeven hundred and eighty-fix, but that the ſame ſhall be abſolutely void to all intents and purpoſes whatſoever.

Money to be placed in the bank of Scotland, or royal bank of Scotland.

XXIII. And be it enacted by the authority aforeſaid, That the caſh of the ſaid ſociety ſhall be lodged either in the bank of *England*, bank of *Scotland*, or royal bank of *Scotland*; and that no governor, deputy governor, or director, nor any proprietor of any ſhare or ſhares of the ſociety's joint ſtock, nor any agent, ſecretary, clerk, ſervant, or perſon employed by the ſaid ſociety, ſhall in any caſe retain any ſum or ſums of money, which ſhall have been placed in his, her, or their hands for the uſe of the ſaid ſociety, beyond the ſpace of thirty days next after the receipt of the ſame, on any account whatſoever, but that every ſuch perſon or perſons ſhall, within the time aforeſaid, pay or cauſe

to

to be paid all and every such sum or sums of money into one of the banks aforesaid; and that payments of all such sums as shall be issued by the said society, shall be made by drafts under the hands of the governor, or deputy governor, countersigned by the secretary or his deputy, and two or more directors, on the said banks, to such person or persons, or to their order, as shall have performed any work for, or otherwise have any demand upon, the said society.

XXIV. *And whereas it may happen that some person or persons, bodies politick, corporate or collegiate, or trustees, or others, who are seised of or intituled to lands and tenements, which may be necessary to be purchased for the purposes of this act, may be willing to treat and agree to sell such lands and tenements, in order to perfect so useful and necessary an undertaking, but are incapable of granting and conveying the same by reason of infancy, or other disability by tailzies, or otherwise; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all bodies politick, corporate or collegiate, trustees, tutors or curators for infants or minors, idiots or furious persons, or other persons for whom they are trustees, and for all and every other person or persons whomsoever who are or shall be seised, possessed of, or interested in any lands and tenements which the said society shall judge necessary for the purposes aforesaid, whether by titles held in fee simple or tailzied, to sell and convey to the said society, or their successors, or to such other person or persons as they shall appoint, all or any such lands and tenements, or any part thereof, for the purposes aforesaid; and that all contracts, agreements, sales, or other conveyances that shall be so made, shall be valid to all intents and purposes, any law, statute, usage, or any other matter or thing whatsoever to the contrary thereof notwithstanding; and that all trustees, tutors, or curators, corporations, proprietors, or incumbancers, subject to tailzies, and all other persons, are and shall be hereby indemnified for what they shall do by virtue of, or in pursuance of this act: provided, that where lands and tenements under entail are purchased for the purposes aforesaid, the price of the premises shall, by authority of the court of session, be laid out upon land, or other heritable security, and the rights and securities devised and taken to the same series of heirs as are contained in the original title deeds of the subjects under entail, purchased for the uses aforesaid.*

Purchase money to be laid out to same uses.

XXV. And be it further enacted by the authority aforesaid, That the book or books in which the accounts relating to the said society shall be stated and settled, and all other matters and things relating thereunto, shall be deposited under the care and custody of such person or persons as the said directors shall from time to time appoint at the office of the said society; and every proprietor, at all reasonable times, shall have free access to such book or books, for his, her, or their inspection.

Books to be kept, and open to the inspection of the proprietors.

XXVI. And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit the seal

Counterfeit-
of ing the seal.

of the society, or any deed or writing under the common seal, or shall demand any money in pursuance of any such forged or counterfeited deed or writing, either from the society or any members or servants thereof, knowing such writing to be forged, with intent to defraud the said society, or any other persons whomsoever, every person so offending, and being convicted thereof, in due form of law, shall be judged guilty of felony, and shall be transported in manner as by law directed, for a term not exceeding seven years.

Limitation of actions.

XXVII. And be it further enacted, That if any action, suit, or information shall be brought or commenced against any person or persons for any thing done in pursuance of this act, the same shall be brought or commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the defendant or defendants in such action, suit, or information, shall and may plead the general issue, and give

General issue.

this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear to have been so done, or if any action, suit, or information, shall be brought after the time so limited for bringing in the same, then, and in such case, the jury shall find for the defendant or defendants, or the court of session in *Scotland* shall dismiss the said suit; if the plaintiff or plaintiffs, pursuer or pursuers, shall become nonsuit, or suffer a discontinuance of his, her, or their action, suit, or information, after the defendant or defendants shall have appeared; or if a verdict or judgement of the court of session in *Scotland* shall pass against the plaintiff or plaintiffs, pursuer or pursuers, or if, upon demurring or otherwise, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants, shall have treble costs, and shall have such remedy for the same, as any defendant or defendants hath or have for costs of suit in any other cases by law.

Treble costs.

Publick act.

XXVIII. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; and all judges, justices, and other persons are hereby required to take notice of it as such, without specially pleading the same.

C A P. CVII.

An act for amending, and reducing into one act of parliament, the laws relating to the militia, in that part of Great Britain called England.

Preamble.

WHEREAS a respectable military force, under the command of officers possessing landed property within Great Britain, is essential to the constitution of this realm; and the militia now by law established has been found capable of fulfilling the purposes of its institution; and through its constant readiness on short notice, for effectual

*tual service, has been of the utmost importance to the internal defence of this kingdom of Great Britain: and whereas the laws now in being relating to the militia are inconveniently numerous; and the several powers and provisions necessary for raising, training, and regulating the militia, would be more easily executed, if the same were comprised in one act of parliament: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That his Majesty may and shall, from time to time, constitute and appoint lieutenants for the counties, ridings, and places herein-after mentioned; and the several lieutenants so appointed, shall have full power and authority, and are hereby required to call together, arm, array, and cause to be trained and exercised, such persons, and in such manner as is herein-after directed, once in every year; and the said lieutenants severally shall, from time to time, constitute and appoint such persons as they shall think fit, being qualified as herein-after is directed, and living within their respective counties, ridings, and places, to be their deputy lieutenants, (the names of such persons having been first presented to and approved by his Majesty), and shall also appoint a proper number of colonels, lieutenant colonels, majors, and other officers, qualified as herein-after directed, to train, discipline, and command the persons so to be armed and arrayed, according to the rules, orders, and directions herein-after mentioned, and shall certify to his Majesty the names and ranks of all such officers so appointed; and in case his Majesty shall, within fourteen days after such certificate shall have been laid before him, signify his disapprobation of any of the persons so appointed, it shall not be lawful for the said lieutenants to grant a commission to any person so disapproved, but commissions shall be granted to all such persons so appointed, who shall not be disapproved by his Majesty; and the officers so appointed for the militia, to be armed and arrayed as herein-after directed, shall rank with the officers of such of his Majesty's forces as are liable to serve out of *Great Britain*, as youngest of their rank.*

The lieutenants of counties, appointed by his Majesty, to call out the militia yearly, and appoint deputies, officers, etc.

Rank of officers.

II. And be it further enacted, That when the lieutenant of any county, riding, or place, shall be out of the kingdom of *Great Britain*, or when there shall be no lieutenant, it shall be lawful for his Majesty to authorise any three deputy lieutenants of such county, riding, or place, to grant commissions to officers to serve in the militia for such county, riding, or place, upon any vacancy that shall then happen, in such manner as such lieutenant could do, and to do all other acts, matters, and things, which might lawfully have been done by the said lieutenant, and the same shall be good and valid in the law as if done by the said lieutenant himself.

Three deputy lieutenants may act, when the lieutenant is out of the kingdom.

III. And be it further enacted, That no commission of any deputy lieutenant, nor any commission of any officer in the militia, already granted, or to be granted by any lieutenant or

Commissions not to be revoked by the death of the deputy grantor.

deputy lieutenants, shall be vacated by reason of the revocation, expiration, or discontinuance of the commission by which any such lieutenant or deputy lieutenants as aforesaid was or were appointed.

County lieutenant to have the chief command of the militia of his county, and to appoint 20 deputies.

IV. And be it further enacted, That the lieutenant of every county, riding, or place, shall have the chief command of the militia within the county, riding, or place to which he is appointed, and that twenty deputy lieutenants at the least shall be appointed within every county, riding, and place, if so many can be found qualified as herein-after directed; but if such number of persons, so qualified, cannot be found within any such county, riding, or place, then as many persons, so qualified, as can be found within such county, riding, or place, shall be appointed to be deputy lieutenants for the purposes of this act.

Qualification of deputy lieutenants and officers in England in general.

V. And be it further enacted, That all persons to be appointed deputy lieutenants, or officers of the militia, in pursuance of this act (except within the counties of *Cumberland*, *Huntingdon*, *Monmouth*, and *Westmorland*, the *Ile of Ely* in the county of *Cambridge*, the several counties and places within the dominion of *Wales*, and such cities and towns as are counties within themselves) shall be qualified as follows; (that is to say) every person so to be appointed a deputy lieutenant shall be seised or possessed, either in law or equity, for his own use and benefit, in possession, of a freehold, copyhold, or customary estate for life, or for the life of his wife, she having a freehold, copyhold, or customary estate for her life, or for some greater estate, or of an estate for some long term of years, determinable on one or more life or lives, in manors, messuages, lands, tenements, or hereditaments, in *England*, *Wales*, or the town of *Berwick upon Tweed*, of the yearly value of two hundred pounds, or shall be heir-apparent of some person who shall in like manner be seised or possessed of a like estate as aforesaid of the yearly value of four hundred pounds: and every person so to be appointed a colonel shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of one thousand pounds, or shall be heir-apparent of some person who shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of two thousand pounds: and every person so to be appointed a lieutenant colonel shall in like manner be seised of a like estate as aforesaid, of the yearly value of six hundred pounds, or shall be heir-apparent of some person who shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of one thousand two hundred pounds: and every person so to be appointed a major, or a captain, shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of two hundred pounds, or shall be heir-apparent of some person who shall in like manner be seised or possessed of a like estate as aforesaid, of the yearly value of four hundred pounds, or shall be a younger son of some person who shall be or at the time of his death was, in like manner seised or possessed

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fed of a like eftate as aforefaid, of the yearly value of fix hundred pounds: and every perfon fo to be appointed lieutenant fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of fifty pounds, or fhall be poffeffed of a perfonal eftate alone, to the amount of one thousand pounds, or feifed or poffeffed of real and perfonal eftate together, to the amount or value of two thousand pounds, or fhall be fon of fome perfon who fhall be, or at the time of his death was, in like manner feifed or poffeffed of a like eftate as aforefaid, of the yearly value of one hundred pounds, or who fhall be, or who at the time of his death was, poffeffed of a perfonal eftate alone, to the amount of two thousand pounds, or feifed or poffeffed of real and perfonal eftate together, to the amount or value of three thousand pounds: and that every perfon fo to be appointed an enfigh fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of twenty pounds, or fhall be poffeffed of a perfonal eftate alone, to the amount of five hundred pounds, or feifed or poffeffed of real and perfonal eftate together, to the amount or value of one thousand pounds, or fhall be fon of fome perfon who fhall be, or at the time of his death was, in like manner feifed or poffeffed of a like eftate as aforefaid, of the yearly value of fifty pounds, or who fhall be, or who at the time of his death was, poffeffed of a perfonal eftate alone, to the amount of one thousand pounds, or feifed or poffeffed of real and perfonal eftate together, to the amount or value of one thousand five hundred pounds, of which faid eftates required as qualifications for deputy lieutenants, colonels, lieutenant colonels, majors, and captains refpectively, one moiety fhall be fituate or arifing within the refpective counties, ridings, or divifions, in which they fhall be appointed to ferve.

VI. And be it further enacted, That the eftates requifite for the qualification of the deputy lieutenants and officers of the militia within the counties of *Cumberland, Huntingdon, Monmouth, Weftmorland, and Rutland*, and within every county and place in the dominion of *Wales*, fhall be as follows; (that is to fay), A deputy lieutenant fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of one hundred and fifty pounds, or fhall be heir-apparent to a perfon who fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of three hundred pounds: a colonel fhall be in like manner feifed or poffeffed of a like eftate as aforefaid, of the yearly value of fix hundred pounds, or fhall be heir-apparent of a perfon who fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of one thousand two hundred pounds: a lieutenant colonel, or major commandant, fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of four hundred pounds, or fhall be heir-apparent of a perfon who fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly value of eight hundred pounds: a major, or captain, fhall in like manner be feifed or poffeffed of a like eftate as aforefaid, of the yearly

yearly value of one hundred and fifty pounds, or shall be fon of a person who shall be, or at the time of his death was, in like manner, feifed or possessed of a like estate as aforesaid, of the yearly value of three hundred pounds: a lieutenant shall in like manner be feifed or possessed of a like estate as aforesaid, of the yearly value of thirty pounds, or shall be possessed of a personal estate alone, to the amount of six hundred pounds, or feifed or possessed of real and personal estate together, to the amount or value of one thousand two hundred pounds, or shall be the fon of a person who shall be, or, at the time of his death was, in like manner, feifed or possessed of a like estate as aforesaid, of the yearly value of sixty pounds, or who shall be, or at the time of his death was, possessed of a personal estate alone, to the amount of one thousand two hundred pounds, or feifed or possessed of real and personal estate together, to the amount or value of two thousand four hundred pounds: an ensign shall be in like manner feifed or possessed of a like estate as aforesaid, of the yearly value of twenty pounds, or shall be possessed of a personal estate alone, to the amount of three hundred pounds, or feifed or possessed of real and personal estate together to the amount or value of six hundred pounds, or shall be the fon of a person who shall be, or at the time of his death was, in like manner, feifed or possessed of a like estate as aforesaid, of the yearly value of thirty pounds, or who shall be, or at the time of his death was, possessed of a personal estate alone, to the amount of six hundred pounds, or feifed or possessed of real and personal estate together, to the amount or value of one thousand two hundred pounds: of all which respective estates (except those for the qualifications of lieutenants and ensigns), one moiety shall be situate or arising within the respective counties or divisions in which such officers shall be respectively appointed to serve.

Qualification
of deputy
lieutenants
and officers
for Ely.

VII. And be it further enacted, That the estates requisite for the qualification of the deputy lieutenants and officers of the militia in the *Isle of Ely*, shall be as follows: a deputy lieutenant shall be in like manner feifed or possessed of a like estate as aforesaid, of the yearly value of one hundred and fifty pounds, or shall be heir-apparent of some person who shall be in like manner feifed or possessed of a like estate as aforesaid, of the yearly value of three hundred pounds: a captain shall be in like manner feifed or possessed of a like estate as aforesaid of the yearly value of one hundred pounds, or shall be heir-apparent of a person who shall be in like manner feifed or possessed of a like estate as aforesaid, of the yearly value of two hundred pounds, or shall be a younger son of some person who shall be, or at the time of his death was, in like manner feifed or possessed of a like estate as aforesaid, of the yearly value of three hundred pounds: a lieutenant shall be in like manner feifed or possessed of a like estate as aforesaid, of the yearly value of thirty pounds, or shall be possessed of a personal estate to the amount of six hundred pounds, or shall be son of some person who shall be, or at the time

time of his death was, in like manner feifed or poffeffed of a like eftate as aforefaid, of the yearly-value of fixty pounds, or who fhall be, or at the time of his death was, poffeffed of a perfonal eftate to the amount of one thoufand two hundred pounds: an enfign fhall be in like manner feifed or poffeffed of a like eftate as aforefaid, of the yearly value of twenty pounds, or fhall be poffeffed of a perfonal eftate to the amount of three hundred pounds, or fhall be the fon of fome perfon who fhall be, or at the time of his death was, in like manner feifed or poffeffed of a like eftate as aforefaid, of the yearly value of thirty pounds, or who fhall be, or at the time of his death was, poffeffed of a perfonal eftate to the amount of fix hundred pounds: of all which eftates (except thofe for the qualifications of lieutenants and enfigns) one moiety fhall be fuate or arifing within the faid *Ifle of Ely*, or fome other part of the county of *Cambridge*.

VIII. And be it further enacted, That in all cities and towns which are counties within themfelves, and have heretofore been impowered by law or ancient uſage to raife and train a ſeparate militia within their ſeveral precincts and liberties, and which are united with, and made part of any county or counties, for the purpoſes of raifing the militia only, the lieutenant of every ſuch city or town, or, where there is no lieutenant appointed, then the chief magiſtrate of ſuch city or town ſhall appoint the deputy lieutenants within ſuch city or town, and ſhall alſo appoint officers of the militia, whoſe number and rank ſhall be proportionable to the number of militia men which ſuch city or town ſhall raife as their quota towards the militia of the county to which ſuch city or town is united for the purpoſes aforeſaid; and all powers and proviſions made by this act, with reſpect to counties at large, and the militia thereof, and the registering herein-after directed of the qualifications of deputy lieutenants and officers, ſhall take place and be in force, with reſpect to the ſaid cities and towns, and the militia thereof, and the registering of the ſaid qualifications; and the value of the reſpective qualifications of the deputy lieutenants and officers of the militia of ſuch cities and towns ſhall be as follows; every deputy lieutenant ſhall in like manner be feifed or poffeffed of a like eftate as aforeſaid, of the yearly value of one hundred and fifty pounds, or ſhall be poffeffed of a perſonal eftate alone, or feifed or poffeffed of real and perſonal eftate together, to the amount or value of three thouſand pounds: and every field officer ſhall reſpectively be in like manner feifed or poffeffed of a like eftate as aforeſaid, of the yearly value of three hundred pounds, or ſhall be poffeffed of a perſonal eftate alone, or feifed or poffeffed of real and perſonal eftate together, to the amount or value of five thouſand pounds: and the qualification of a captain ſhall be a like eftate as aforeſaid, of the yearly value of one hundred and fifty pounds, in majors, meſſuages, lands, tenements, or hereditaments, or perſonal eftate alone, or real and perſonal eftate together, to the amount or value of two thouſand five hundred pounds: and the qualification of a lieutenant ſhall be a like

Regulations with regard to cities, &c. that are counties within themſelves.

estate as aforesaid, of the yearly value of thirty pounds, in manors, messuages, lands, tenements, or hereditaments, or personal estate alone, to the amount or value of seven hundred and fifty pounds: and the qualification of an ensign shall be a like estate as aforesaid, of the yearly value of twenty pounds, in manors, messuages, lands, tenements, or hereditaments, or personal estate alone, to the amount or value of four hundred pounds: of all which real estates respectively (except those for the qualification of lieutenants and ensigns) one moiety shall be situate or arising within such city or town, or within the county to which such city or town is united for the purposes aforesaid.

Leases on lives of 300l. per ann. to be deemed equal to a qualification as herein before specified of 100l. per ann. and so proportionally.

IX. Provided always, and be it further enacted, That the immediate reversion or remainder of and in manors, messuages, lands, tenements, or hereditaments, which are leased for one life, or for two or three lives, or for any term of years determinable upon the death of one life, or of two or three lives on reserved rents, and which are to the lessee or lessees of the clear yearly value of three hundred pounds, shall be deemed equal to an estate herein-before required as a qualification of the yearly value of one hundred pounds, and so in proportion to the several other qualifications required by this act.

Estates granted for 20 years, of an annual value equal to the value of the estates herein required for qualifications, to be deemed qualifications.

X. And be it further enacted, That a person possessed, either in law or equity, for his own use and benefit, in possession, of an estate for a certain term originally granted for twenty years or more, of an annual value (over and above all rents and charges payable out of or in respect of the same) equal to the value of such an estate as is required for the qualification of a deputy lieutenant and commissioned officer of the militia respectively, and situate as aforesaid, shall be, and is hereby deemed and declared to be, sufficiently qualified to act in the execution of this act.

No commission superior to a lieutenant to be granted till the qualification is delivered in.

XI. And be it further enacted, That no person shall hereafter be appointed to be deputy lieutenant of any county, riding, or place, or be appointed to a higher rank in the militia than that of lieutenant, until he shall have delivered in to the clerk of the peace of the county, riding, or place, for which he shall be appointed, or (in the absence of the clerk of the peace) to his deputy, a specifick description in writings signed by himself, of his qualification, stating the parish or parishes in which the estate or estates which form his qualification is or are situate; and the clerk of the peace, or his deputy, shall transmit to the lieutenant of the county, riding, or place, a copy of such description; and no commission granted after the passing of this act, for a higher rank in the militia than that of lieutenant, shall be valid, unless it be declared in the commission, that the officer to whom the commission is given, hath delivered in his qualification as above directed.

Commissions already granted to be void unless qualifications are

XII. And be it further enacted, That every deputy lieutenant and every officer now holding a commission as colonel, lieutenant colonel, major, or captain in the militia, who hath not transmitted

transmitted a specifick description as before directed, of his qualification for holding such commission, to the clerk of the peace as aforesaid, shall, within six months from and after the first day of *July*, one thousand seven hundred and eighty-six, transmit such specifick description of his qualification for holding such commission to the clerk of the peace as aforesaid, and the clerk of the peace, or his deputy, shall forthwith transmit a true copy thereof to the lieutenant of the county, riding, or place, or to the deputy lieutenants, who shall be authorized according to the directions of this act to execute the office of lieutenant; and in case any such officer shall not transmit such specifick description of his qualification as aforesaid to the clerk of the peace, or his deputy, within the time before limited for that purpose, his deputation or commission shall be void, and he shall be incapable of being a deputy lieutenant, or of serving as an officer in the militia again in the same or any higher rank.

delivered in
before Jan. 1,
1787.

XIII. And be it further enacted, That the clerk of the peace of every county, riding, and place, shall, and he is hereby required to enter the qualifications transmitted to him according to the directions of this act upon a roll, to be provided and kept for that purpose, and to cause to be inserted in the *London Gazette* the dates of the commissions, and names and rank of the officers, together with the names of the officers in whose room they are appointed, in like manner as commissions in the army are published from the war office, and he is hereby authorized to charge the expence of such insertion in the *Gazette* for each commission, to the treasurer of the county, riding, or place, who is hereby directed to pay the same; and the said clerk of the peace, or his deputy, shall, in the month of *January* in every year, transmit to one of his Majesty's principal secretaries of state a compleat account of the qualifications so left with him, and the secretary of state receiving such accounts shall cause copies thereof to be annually laid before both houses of parliament; and every deputy lieutenant and commissioned officer not having already taken and subscribed the oaths, and made, repeated, and subscribed the declaration as required by this act, shall, at some general quarter session of the peace, or in one of his Majesty's courts of record at *Westminster*, within six months after he shall have accepted his commission, take the oaths appointed to be taken by an act passed in the first year of the reign of his majesty King *George the First*, intituled, *An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, - being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors*; and also by an act passed in the sixth year of the reign of his present Majesty, intituled, *An act for altering the oath of abjuration, and the assurance, and for amending so much of an act of the seventh year of her late majesty Queen Anne, intituled, An act for the improvement of the union of the two kingdoms, as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of high*

Qualifications
&c. to be inserted in the Gazette; and lists to be annually laid, by the secretary of state, before parliament.

Deputy lieutenants, &c. to take the oaths within six months after appointment.

treafon, or mifprifion of treafon; and fhall alfo make, repeat, and fubfcribe the declaration in the faid aét of the firft year of King George the Firft directed to be made, repeated, and fubfcribed, by all officers civil and military.

Penalty on perfons aét- ing, who are unqualified, or who have not delivered in their qualifications.

XIV. And be it further enacted, That if any perfon fhall execute any of the powers hereby directed to be executed by deputy lieutenants, colonels, lieutenant colonels, or majors, not being qualified as aforefaid, or without having delivered in fuch fpecifick defcription of his qualification as is herein-before required, every fuch perfon fhall forfeit and pay the fum of two hundred pounds; and if any perfon fhall execute any of the powers hereby directed to be executed by captains, not being qualified as aforefaid, or without having delivered in fuch fpecifick defcription of his qualification as is herein-before required, every fuch perfon fhall forfeit and pay the fum of one hundred pounds; one moiety whereof fhall go to the ufe of the perfon who fhall fue for the fame; and in every aétion, fuit, or information, brought againft any perfon for aétion as deputy lieutenant, colonel, lieutenant colonel, major, or captain, not being qualified as herein-before directed, the proof of his qualification fhall lie upon the perfon againft whom the fame is brought: provided always, That nothing in this aét contained fhall refrain or prevent any peer of this realm, or heir-apparent of any fuch peer, from being appointed, or aétion as a deputy lieutenant, or a commiffioned officer in the militia, within the county, riding, or place wherein fuch peer, or heir-apparent of fuch peer, fhall have fome place of refidence, although he may not have the qualification herein-before required; or to oblige any peer of this realm, or heir-apparent of fuch peer, who fhall be appointed a deputy lieutenant or commiffioned officer as aforefaid, to leave with the clerk of the peace for the county, riding, or place for which he fhall be appointed, any qualification in writing as aforefaid.

Peers or their heirs-apparent may aét, though not poffeffed of qualifications, &c.

A proportion of officers who have ferved five years may, when the militia is not embodied, be difmiffed, and others appointed.

XV. And be it further enacted, That the lieutenant of any county, riding, or place, together with any three or more deputy lieutenants, and on the death or removal, or in the abfence of any fuch lieutenant, any five or more deputy lieutenants, may, at the end of every five years, at their annual meetings to be holden as herein-after is directed, in cafe the militia of fuch county, riding, or place, fhall not be then embodied, difcharge fome one field officer of each regiment or battalion, and fuch a number of officers of each inferior rank, in each regiment, battalion, and independent company, as fhall be equal to the number of perfons who fhall have given notice in writing to the lieutenant of fuch county, riding, or place, one month at the leaft before fuch meeting, that they are willing to ferve as field officers, captains, lieutenants, or enfigns, as the cafe may require: provided always, That the number of vacancies to be made by difcharging fuch officers fhall not exceed one third of fuch officers who fhall have ferved for the fpace of five years in each rank refpectively: provided alfo, That nothing herein contained

Inferior officers when

tained fhall prevent any officer ferving, or who has ferved in the militia in an inferior rank, from offering himfelf to ferve in a higher rank, if he be qualified to ferve in fuch higher rank.

XVI. And be it further enacted, That the lieutenant of every county, riding, and place, fhall from time to time appoint a clerk of the general meetings to be holden as herein-after directed, and may difplace fuch clerk if he fhall think fit, and appoint another in his room; and the deputy lieutenants within their refpective fubdivifions, or the major part of thofe prefent at any fubdivifion meeting, fhall alfo, from time to time, appoint a clerk for their fubdivifions, and may difplace fuch clerk if they, or the major part of them, fhall think fit, and appoint another in his room.

qualified, may ferve in higher ranks.

County lieutenants, and deputies, may appoint clerks for their meetings.

XVII. And be it further enacted, That the number of private men to be raifed by virtue of this act fhall be as follows; (that is to fay;)

Numbers of the regiments of militia refpectively.

- For the county of *Bedford*, four hundred.
 For the county of *Berks*, five hundred and fixty.
 For the county of *Bucks*, five hundred and fixty.
 For the county of *Cambridge*, four hundred and eighty.
 For the county of *Chefter*, with the city and county of the city of *Chefter*, five hundred and fixty.
 For the county of *Cornwall*, fix hundred and forty.
 For the county of *Cumberland*, three hundred and twenty.
 For the county of *Derby*, five hundred and fixty.
 For the county of *Devon*, with the city and county of the city of *Exeter*, one thoufand fix hundred.
 For the county of *Dorset*, with the town and county of the town of *Pool*, fix hundred and forty.
 For the county of *Durham*, four hundred.
 For the county of *Effex*, nine hundred and fixty.
 For the county of *Gloucefter*, with the city and county of the city of *Gloucefter*, and the city and county of the city of *Bristol*, nine hundred and fixty.
 For the county of *Hereford*, four hundred and eighty.
 For the county of *Hertford*, five hundred and fixty.
 For the county of *Huntingdon*, three hundred and twenty.
 For the county of *Kent*, with the city and county of the city of *Canterbury*, nine hundred and fixty.
 For the county of *Lancaster*, eight hundred.
 For the county of *Leicefter*, five hundred and fixty.
 For the county of *Lincoln*, with the city and county of the city of *Lincoln*, one thoufand two hundred.
 For the county of *Middlefex*, (exclufive of the tower divifion, commonly called *The Tower Hamlets*), one thoufand fix hundred.
 For the county of *Monmouth*, two hundred and forty.
 For the county of *Norfolk*, with the city and county of the city of *Norwich*, nine hundred and fixty.
 For the county of *Northampton*, fix hundred and forty:

For

- For the county of *Northumberland*, with the town and county of the town of *Newcastle upon Tyne*, and the town of *Berwick upon Tweed*, five hundred and sixty.
- For the county of *Nottingham*; with the town and county of the town of *Nottingham*, four hundred and eighty.
- For the county of *Oxford*, five hundred and sixty.
- For the county of *Rutland*, one hundred and twenty.
- For the county of *Salop*, six hundred and forty.
- For the county of *Somerset*, eight hundred and forty.
- For the county of *Southampton*, with the town and county of the town of *Southampton*, nine hundred and sixty.
- For the county of *Stafford*, with the city and county of the city of *Litchfield*, five hundred and sixty.
- For the county of *Suffolk*, nine hundred and sixty.
- For the county of *Surrey*, eight hundred.
- For the county of *Suffex*, eight hundred.
- For the county of *Warwick*, with the city and county of the city of *Coventry*, six hundred and forty.
- For the county of *Westmorland*, two hundred and forty.
- For the county of *Worcester*, with the city and county of the city of *Worcester*, five hundred and sixty.
- For the county of *Wilts*, eight hundred.
- For the west riding of the county of *York*, with the city and county of the city of *York*, one thousand two hundred and forty:
- For the north riding of the said county, seven hundred and twenty:
- And for the east riding of the said county, with the town and county of the town of *Kingston upon Hull*, four hundred.
- For the county of *Anglesea*, eighty.
- For the county of *Brecknock*, one hundred and sixty.
- For the county of *Cardigan*, one hundred and twenty.
- For the county of *Carmarthen*, with the county borough of *Carmarthen*, two hundred.
- For the county of *Carnarvon*, eighty.
- For the county of *Denbigh*, two hundred and eighty.
- For the county of *Flint*, one hundred and twenty.
- For the county of *Glamorgan*, three hundred and sixty.
- For the county of *Merioneth*, eighty.
- For the county of *Montgomery*, two hundred and forty.
- For the county of *Pembroke*, with the town and county of the town of *Haverford West*, one hundred and sixty.
- And for the county of *Radnor*, one hundred and twenty.

Regulations
for holding
general meet-
ings of lieute-
nancy.

XVIII. And be it further enacted, That general meetings of the lieutenancy of every county, riding, and place, shall be holden in some principal town of every such county, riding, and place; and such general meetings shall consist of the lieutenant, together with two deputy lieutenants at the least, or, on the death or removal, or in the absence of the lieutenant, then of three deputy lieutenants at the least of every county, riding, and

and place refpectively; and one fuch general meeting fhall be holden within every county, riding, and place, annually, upon the laft *Tuefday* which fhall happen before the twenty-fourth day of *October* in every year; and the lieutenant, together with any two deputy lieutenants, or (on the death or removal, or in the abfence of the lieutenant) any three deputy lieutenants of any county, riding, or place, when and as often as they fhall find neceffary for carrying the purpofes of this act duly and fully into execution, may fummon, or caufe to be fummoned, other general meetings of the lieutenantancy, on any days to be fixed by fuch fummons, of which days, and the places of holding fuch meetings refpectively, notice fhall be given in the *London Gazette*, and alfo in any weekly newspaper ufually circulated in fuch county, riding, or place, fourteen days at the leaft before the days appointed for holding fuch meetings refpectively; and in cafe any annual or other general meeting fhall not be attended by the lieutenant and two deputy lieutenants, or by three deputy lieutenants, as herein-before required, the lieutenant, or any one deputy lieutenant, who fhall attend at fuch meeting, fhall and may adjourn the fame to any other time, and to any place within fuch county, riding, or place; and in cafe no deputy lieutenant fhall attend at the time and place appointed for the next meeting, then the clerk of the general meetings, or his deputy, fhall adjourn fuch meeting to any other time, to be holden at the fame place.

XIX. And be it further enacted, That meetings of the deputy lieutenants within the fubdivifions of their refpective counties, ridings, and places, fhall be holden as herein-after directed; which fubdivifion meetings fhall confift of two deputy lieutenants at the leaft: provided always, that at any fubdivifion meeting appointed according to the directions of this act, where two deputy lieutenants do not attend, it fhall be lawful for any one deputy lieutenant, together with any one juftice of the peace of the county, riding, or place, within which fuch fubdivifion lies, to do all acts, matters, and things, which are by this act directed to be done by deputy lieutenants, at their refpective fubdivifion meetings; and all fuch acts, matters, and things, fo done by any fuch deputy lieutenant and juftice of the peace, fhall be as good, valid, and effectual in the law, to all intents and purpofes, as if they had been done by two deputy lieutenants of fuch county, riding, or place; any thing in this act to the contrary hereof notwithstanding.

XX. And be it further enacted, That the refpective clerks of the fubdivifion meetings fhall, as foon as conveniently may be after any fuch fubdivifion meeting fhall have been appointed, give notice in writing of the time and place of meeting to fuch of the deputy lieutenants who fhall be refident within fuch fubdivifion, as he conveniently can, and alfo to the commanding officer of the regiment or battalion, if on actual fervice, or (if not on actual fervice) to the colonel thereof, or (in cafe of the abfence of the colonel from *Great Britain*) to the next commanding

Regulations
for fubdivifion
meetings.

Clerk to give
notice of fub-
divifion meet-
ings to the
deputy lieu-
tenants, etc.

manding officer within *Great Britain*, and an account of the several days fixed for receiving lists, and for ballotting, and for inrolling the militia men within such subdivision; and shall, as soon as the militia men are inrolled, likewise transmit to the colonel or commanding officer as aforesaid a list specifying the names, trades, and usual places of abode of all such militia men as are inrolled, and where there are substitutes, the names, trades, and places of abode of the persons in the room of whom they were inrolled as substitutes.

When a sufficient number do not attend, another meeting to be appointed within 14 days.

XXI. And be it further enacted, That if it shall happen that there shall not appear, at any subdivision meeting, two deputy lieutenants, or one deputy lieutenant and one justice of the peace, the clerk of such meeting shall, by notice to be given in writing to all the deputy lieutenants within such subdivision, or left at their respective places of abode, appoint another meeting to be held, within fourteen days, at the same place where such meeting was to have been holden, such notice being given five days at the least previous to such meeting.

Annual meetings to appoint subdivision meetings, and to require lists of persons liable to serve.

XXII. And be it further enacted, That the lieutenant and deputy lieutenants, or the deputy lieutenants, at every annual meeting to be holden as herein-before directed, shall appoint the first meetings of the deputy lieutenants within the several subdivisions of their respective counties, ridings, and places, which said first meetings shall be appointed to be held as early after the twenty-fourth day of *October* in every year, as conveniently may be; and the said lieutenant and deputy lieutenants, or the said deputy lieutenants, may, if they judge needful, appoint the time and place for a second general meeting, and shall issue out their orders to the chief constables, and where there is no chief constable, to some other officer of the several hundreds, rapes, laths, wapentakes, or other divisions, within their respective counties, ridings, and places, requiring every such chief constable or other officer as aforesaid, to issue an order under his hand to all constables, tythingmen, headboroughs, or other officers of every parish, tything, or place, within their respective hundreds, rapes, laths, wapentakes, or other divisions, to return to the deputy lieutenants within their respective subdivisions, at the places, and on the days appointed at the first general meeting in every year, fair and true lists in writing of the names of all the men usually and at that time dwelling within their respective parishes, tythings, and places, between the ages of eighteen and forty-five years, distinguishing their respective ranks and occupations, and where the true names of such persons cannot be procured, the common appellation of such persons shall be sufficient, and distinguishing which of the persons so returned labour under any infirmity likely to incapacitate them from serving as militia men, having first affixed a true copy of every such list on the door of the church or chapel belonging to every such parish, tything, or place, or (if any place shall have no church or chapel belonging thereto) on the door of the church or chapel of some parish or place thereto adjoining,

Copies of lists to be affixed on the church door, &c.

adjoining, on some *Sunday* morning before they shall make such return, which *Sunday* shall be three days at the least before the said meeting, and also notice in writing, at the bottom of the said copy of every such list, of the day and place of such meeting, and that all persons who shall think themselves aggrieved may then appeal, and that no appeal will be afterward received; and on the days, and at the places so respectively appointed as aforesaid, for the returns of the lists, the constables, tythingmen, headboroughs, or other officers respectively, shall attend and verify the said returns upon oath; and the said deputy lieutenants, or any two or more of them, assembled in their respective subdivisions, shall (after hearing any person who shall think himself aggrieved by having his name inserted in any such list, or by the omission of any other name) direct such list to be amended, as the case shall require, and shall also direct the names of all persons by this act respectively excepted from serving in the militia, to be struck out of the said list, and shall appoint the times and places for their second meetings, within their respective subdivisions, and shall return to the clerk of the general meetings, for the use of the said general meetings, certificates under their hands of the number of men in each parish, tything, or place specified in the list so amended, and the same shall be filed by the clerk for the use of the general meetings.

XXIII. And be it further enacted, That the lieutenant of any county, riding, or place, together with any three or more deputy lieutenants, and on the death or removal, or in the absence of any lieutenant, any five or more deputy lieutenants, may, at any general meeting holden as before directed, alter the appointed subdivisions within such county, riding, or place, if they shall see occasion; and also may alter the established allotment of the number of men in each respective hundred, rape, lath, wapentake, or other division, to serve in the militia, towards raising the number of militia men by this act directed to be raised for such county, riding, or place, according to the numbers contained in such respective certificates last received from the several subdivision meetings.

XXIV. And be it further enacted, That the deputy lieutenants assembled at their said second meeting, within any subdivision as aforesaid, shall appoint what number of men shall serve for each parish, tything, and place within such subdivision, in proportion to the number last appointed, in the manner hereinbefore directed, at a general meeting, to serve for each hundred, rape, lath, wapentake, or other division, and shall appoint another meeting to be holden, within three weeks from the day on which such meeting was holden, within the same subdivision, and shall issue out an order to the chief constables, or other officers of the respective hundreds, rapes, laths, wapentakes, or other divisions, requiring them to give notice to the constable, tythingman, headborough, or other officer of every parish, tything, or place, within their respective hundreds,

rapes,

Constables to verify the lists upon oath.

Subdivision meetings to amend lists, and make returns to the clerk of the general meetings.

General meetings may alter the appointed subdivisions, etc.

Deputy lieutenants to appoint what number of men shall serve for each parish, etc. who are to be ballotted for.

rapes, laths, wapentakes, or other divisions, of the number of men fo appointed to ferve for fuch parifh, tything, or place, and of the time and place of the next fubdivifion meeting; and the faid deputy lieutenants, or any two or more of them, affembled in purfuance of fuch appointment, fhall caufe the number of men appointed to ferve as aforefaid to be chofen by ballot out of the lift returned for every parifh, tything, or place aforefaid, and fhall appoint another meeting to be holden within three weeks in the fame fubdivifion, and fhall iffue out an order to the chief conftables, or other officers of the refpective hundreds, rapes, laths, wapentakes, or other divisions, to direct the conftable, tythingman, headborough, or other officer of every parifh, tything, or place, to give notice to every man fo chofen to ferve in the militia, to appear at fuch meeting, which notice fhall be given or left at his place of abode, at leaft feven days before fuch meeting; and fuch conftable, tythingman, headborough, or other officer, fhall attend fuch meeting, and make a return upon oath of the days when fuch notice was ferved; and every perfon fo chofen by ballot fhall, upon fuch notice, appear at fuch meeting, and there take the following oath; (that is to fay),

Perfons cho-
fen to take the
following

Oath;

I A. B. do fincerely promife and fwear, That I will be faithful, and bear true allegiance to his majefty King George; and I do fwear, That I am a proteftant, and that I will faithfully ferve in the militia, within the kingdom of Great Britain, for the defence of the fame, during the time of five years for which I am inrolled, unlefs I fhall be fooner difcharged.

and to be en-
rolled for 5
years.

Perfons cho-
fen may find
fubftitutes,
who are then
to be enrolled
and fworn.

And every fuch perfon fhall be inrolled (in a roll to be then and there prepared for that purpofe) to ferve in the militia of fuch county, riding, or place, as a private militia man, for the fpace of five years: provided always, That if any perfon fo chofen by ballot fhall produce for his fubftitute a man of the fame county or riding, or of fome adjoining county or riding, able and fit for fervice, who fhall have not more than one child born in wedlock, and who fhall be approved by the faid deputy lieutenants, or any two or more of them, fuch fubftitute, fo produced and approved, fhall be inrolled to ferve in the militia of fuch county, riding, or place, as a private militia man, for the fpace of five years, and alfo for fuch further time as the militia fhall remain embodied, if, within the fpace of five years, his Majefty fhall order and direct the militia for which fuch man is enrolled to be drawn out and embodied, as herein-after provided; and fuch fubftitute fhall take the following oath:

The oath.

I A. B. do fincerely promife and fwear, That I will be faithful, and bear true allegiance to his majefty King George; and I do fwear, That I am a proteftant, and that I will faithfully ferve in the militia, within the kingdom of Great Britain, for the defence of the fame, during the time of five years, or for fuch further time as
the

the militia fhall remain embodied, if within the fpace of five years, his Majefty fhall order and direct the militia to be drawn out and embodied, unlefs I fhall be fooner difcharged.

And any perfon fo chofen by ballot, for whom fuch fubftitute fhall have been fo produced, approved, inrolled, and fworn as aforefaid, fhall be exempt from fervice in the militia, in the fame manner as if he himfelf had ferved according to the direCTIONS of this act.

XXV. And be it further enacted, That if, through the neglect or miftake of any chief conftables, conftables, or other officers, or from any other caufe, the full number of men appointed for any fubdivifion fhould not be duly inrolled at the meeting appointed for that purpofe, as before directed, then the deputy lieutenants, at their faid meeting, or any two or more of them, may, and they are hereby required, immediately to caufe the lifts to be amended, and to proceed to a frefh ballot, and to adjourn their meeting, or appoint other meetings, and repeat the amending of the lifts, as may be neceffary and expedient for carrying the purpofes of this act duly and fully into execution; and it fhall be lawful for any one deputy lieutenant to adminifter the oath herein-before required to be taken by perfons to ferve in the militia, to any perfon ballotted, or to any perfon offering as a volunteer under the direCTIONS of this act, or to any perfon who, being qualified as this act requires, fhall offer to ferve as a fubftitute; and fuch deputy lieutenant is hereby authorized to direct and require the clerk of the fubdivifion for which every fuch perfon by whom the faid oath has been before him taken is to ferve, to inroll the name of every fuch perfon, together with the date of the day on which the faid oath was fo adminiftered to him, in the roll of fuch fubdivifion.

If the full number are not inrolled, a frefh ballot to be taken.

One deputy may adminifter the oath, etc.

XXVI. And be it further enacted, That if any perfon chofen by ballot, according to the direCTIONS of this act, to ferve in the militia (not being one of the people called *Quakers*), fhall refufe or neglect to appear and take the faid oath, and ferve in the militia, or to provide a fubftitute, to be approved as aforefaid, who fhall take the faid oath, and fign his confent to ferve as his fubftitute, every fuch perfon fo refufing or neglecting, fhall forfeit and pay the fum of ten pounds, and at the expiration of five years be liable to ferve again, or provide a fubftitute; and in default of payment of fuch penalty, or for want of fufficient effects whereon to levy the fame, the name of fuch perfon fhall be entered on the roll, and fuch perfon fhall be delivered over to fome proper officer of the regiment, battalion, or independent company, for which he was ballotted, and fhall be compelled to ferve for fuch term, to be computed from the time of his being apprehended, as any other perfon who fhould be then ballotted for would be compellable to ferve, and fhall be fubject to the fame punifhments, for afterwards abfconding or deferting, as he would have been fubject to in cafe he had appeared,

Perfons chofen and not appearing, etc. forfeit 10l.

If penalty be not paid, the perfon fhall be compelled to ferve.

Persons here-
in specified
exempted
from serving,
&c.

peared, and been duly sworn and inrolled as a militia man.
XXVII. Provided always and be it further enacted, That no peer of this realm, nor any person who shall serve as a commissioned officer in any regiment, troop, or company in his Majesty's other forces, or in any one of his Majesty's castles or forts, nor any non-commissioned officer, or private man, serving in any of his Majesty's other forces, nor any commissioned officer serving, or who has served four years in the militia, nor any person being a member of either of the universities, nor any clergyman, nor any licensed teacher of any separate congregation, nor any constable or other peace officer, nor any articulated clerk, apprentice, seaman, or seafaring man, nor any person mustered, trained, and doing duty, or employed in any of his Majesty's docks or dock yards, for the service thereof, or employed and mustered in his Majesty's service in the tower of *London*, *Woolwich* warren, the several gun wharfs at *Portsmouth*, or at the several powder mills, powder magazines, or other storehouses belonging to his Majesty under the direction of the board of ordnance, nor any person being free of the company of watermen of the river *Thames*, nor any poor man who has more than one child born in wedlock, shall be liable to serve personally, or provide a substitute to serve, in the militia; and no person having served personally, or by substitute, according to the directions of this act, or any former act or acts, shall be obliged to serve again, until by rotation it shall come to his turn; but no person who has served only as a substitute shall by such service be exempted from serving again, if he shall be chosen by ballot.

Lists for two
places may be
added toge-
ther.

XXVIII. And be it further enacted, That it shall be lawful for the said deputy lieutenants, or any two or more of them, within their respective subdivisions, to add together, whensoever they shall think necessary, the lists for two or more parishes, tythings, or places, and proceed upon such lists added together, in like manner as if they had been originally returned for one parish, tything, or place, so as to make the choice of militia men by ballot within every such subdivision as equal and impartial as possible.

New lists to be
made out
when any are
lost.

XXIX. And be it further enacted, That if the list of any parish, tything, or place, shall be lost or destroyed, it shall be lawful for the said deputy lieutenants, or any two or more of them, to cause a new list in such parish, tything, or place, to be made and returned to them at their next subdivision meeting, in the same manner as the list lost or destroyed was made, and ought to have been returned to them, by direction of the general meeting.

Penalty on
constables
neglecting
their duty,
&c.

XXX. And be it further enacted, That it shall be lawful for the deputy lieutenants within any subdivision, or any two or more of them, from time to time, to issue their order or warrant, under their hands and seals, requiring the attendance of the constable, tythingman, headborough, or other officer of any parish, tything, or place, within such subdivision, at such time
i and

and place as in fuch order or warrant fhall be expreffed; and if any fuch conftable, tythingman, headborough, or other officer, fhall refufe or negle&t to appear according to fuch order or warrant, or if any chief conftable or other officer of any hundred, rape, lath, wapentake, or other divifion, or any conftable, tythingman, headborough, or other officer of any parifh, tything, or place, fhall refufe or negle&t to return any fuch lift as before directed, or to comply with fuch orders and directions as he fhall from time to time receive from the faid deputy lieutenants, or any two or more of them, in purfuanee of this a&t, or fhall in making fuch return be guilty of any fraud or wilful partiality or grofs negle&t, in his duty, the faid deputy lieutenants, or any two or more of them, are hereby impowered and required to commit the perfon fo offending to the common gaol, there to be kept, without bail or mainprize, for the fpace of one month, or at their difcretion to fine fuch perfon in any fum not exceeding five pounds nor lefs than forty fhillings.

XXXI. And be it further enacted, That any perfon who fhall by gratuity, gift, or reward, or by promife thereof, or of any indemnification, or by menaces, or otherwife, endeavour to prevail on any chief conftable, conftable, tythingman, headborough, or other officer, to make a falfe return of any lift for any parifh, tything, or place, or to erafe or leave out of any fuch lift the name of any perfon who ought to be returned to ferve as a militia man, every fuch perfon fhall, for every fuch offence, forfeit and pay the fum of fifty pounds; and if any perfon fhall refufe to tell his chriitian and furname, or fhall falfefy tell a chriitian or furname, pretending the fame to be his true chriitian or furname, or fhall refufe to tell the chriitian or furname of any man lodging or refiding within his or her houfe, or fhall knowingly tell any falfe name, pretending it to be the true name of any fuch perfon, to any conftable, tythingman, or other officer authorized by this a&t to demand the fame, every fuch perfon fhall forfeit and pay the fum of ten pounds.

50l. penalty on perfons endeavouring to procure falfe returns, and 10l. on perfons giving in falfe names, etc.

XXXII. And be it further enacted, That every perfon chofen by ballot to ferve in the militia fhall be liable to fuch fervice, although he may have removed from the place where his name was inferted in the lift, provided he was refiding in fuch place at the time when the lift was, according to the directions of this a&t prepared; and every perfon liable to ferve in the militia, having more than one place of refidence, fhall ferve for the county, riding, or place where his name fhall have been firft inferted in fuch lift as aforefaid; and the clerk to the fubdivifion meeting to which fuch lift fhall be returned, fhall, if fuch perfon requires the fame, grant a certificate *gratis* under his hand, that fuch perfon's name was inferted in fuch lift, and fpecifying the time when fuch lift was made and returned.

Perfons muft ferve, though removed from the place where ballot ed for, etc.

XXXIII. And be it further enacted, That where any parifh fhall lie in two or more counties or ridings, the inhabitants of fuch parifh fhall ferve in the militia of that county or riding wherein the church belonging to fuch parifh is fituated, and

Parifh to be deemed belonging to the county wherein the church is fituate.

that such parish shall, for all the purposes of this act, be deemed part of that county or riding.

Persons fraudulently bound apprentice, liable to serve, and the master to forfeit xcl.

XXXIV. Provided always, and be it further enacted, That if any two or more deputy lieutenants shall at any of their subdivision meetings receive information, or shall suspect, that any person whose name is inserted in any list, and described as an apprentice, has been fraudulently bound apprentice, in order to avoid serving in the militia, it shall be lawful for them to make inquiry thereof, and to summon such persons as they shall think necessary, to appear before them at such time and place as they shall appoint, and to examine such persons upon oath; and in case it shall appear that such binding was fraudulent, in order to avoid serving in the militia, it shall be lawful for such deputy lieutenants to appoint such person, so fraudulently bound apprentice, to serve as a militia man for the parish, tything, or place for which such list shall have been returned, if there shall be a vacancy; and if there shall be no vacancy at that time, then upon the first vacancy that shall happen; and the person to whom such apprentice shall have been so bound shall for such offence forfeit and pay the sum of ten pounds.

Two deputy lieutenants may provide substitutes for quakers, and levy the expence by distress, &c.

XXXV. And be it further enacted, That if any person, being one of the people called *Quakers*, shall be chosen by ballot to serve in the militia, and shall refuse or neglect to appear, and to take the oath and serve in the militia, or to provide a substitute, to be approved as aforesaid, who shall take the said oath, and subscribe his consent to serve as the substitute of such quaker, then, and in every such case, any two or more deputy lieutenants shall, if they shall think proper, upon as reasonable terms as may be, provide and hire a fit person to serve as a substitute for such quaker, and such substitute shall take the said oath, and subscribe his consent to serve in the militia, for the same term, and on the same conditions, as is herein-before directed in the case of substitutes produced by persons chosen by ballot; and any two or more deputy lieutenants may, and are hereby authorised, by warrant under their hands and seals, to levy, by distress and sale of the goods and chattels of such quaker, such sum of money as shall be necessary to defray the expence of providing and hiring such substitute, rendering to such quaker the overplus (if any), after deducting the charges of such distress and sale; and if no goods or chattels belonging to such quaker can be found sufficient to levy such distress, and it shall nevertheless appear satisfactorily to such deputy lieutenants, that such quaker is of sufficient ability to pay the sum of ten pounds, then it shall be lawful for such deputy lieutenants to commit such quaker to the common gaol, there to remain, without bail or mainprize, for the space of three months, or until he shall have paid such sum of money as such deputy lieutenants shall have agreed to pay to such substitute as aforesaid; and in case any measures shall be used in making distress as aforesaid, which may be by any such quaker thought oppressive, it shall be lawful for such quaker to complain to the deputy lieutenants

lieutenants at their next meeting, who are hereby impowered and required to hear and finally determine the same.

XXXVI. And be it further enacted, That where any rate shall have been made for the providing of volunteers, according to the directions of this act, and the churchwardens or overseers shall make complaint to a justice of the peace, that any quaker refuses to pay the sum or sums of money he or they shall be rated at, such justice shall order such costs and charges to be paid for levying such distress as he shall think reasonable, not exceeding ten shillings on each of the said quakers, where there are no more than two, and where there are a greater number than two, not exceeding five shillings on each of the said quakers: provided always, That no man shall be deemed, taken, and accepted to be a quaker, within the meaning of this act, unless he shall produce before the deputy lieutenants, at some of their subdivision meetings, a certificate, under the hands of two or more reputable housekeepers, being of the people called *Quakers*, acknowledging such man to be one of their persuasion.

Justices may order payment of the levying by distress, where quakers refuse to pay rates.

XXXVII. And be it further enacted, That whenever it shall appear to any two or more deputy lieutenants, assembled at any subdivision meeting, that any person chosen by ballot to serve in the militia is unable, by reason of any infirmity, or is not of the full height of five feet four inches, or is otherwise unfit for the service, and is not seised or possessed of an estate in land, goods, or money, of the clear value of one hundred pounds, and who shall make oath that he is not seised or possessed of such estate, such deputy lieutenants shall, and are hereby impowered and required to discharge such person, and immediately to amend the list for the place for which such person shall have been balloted, and to cause another person to be chosen in his stead by ballot, according to the directions of this act.

Persons unfit to serve, when chosen, may be discharged by the deputy lieutenants.

XXXVIII. And be it further enacted, That whenever any militia man, after having been sworn and inrolled, shall become unfit for service, it shall be lawful for the colonel or commanding officer of the regiment, battalion, or independent company to which such militia man shall belong, together with any two or more deputy lieutenants of the county, riding, or place to which such regiment, battalion, or independent company belongs, if the said regiment, battalion, or independent company shall then be within the said county, riding, or place, or for the commanding officer only, if the said regiment, battalion, or independent company, shall be absent therefrom, to discharge any militia man of his regiment, battalion, or independent company; but another man shall not be balloted for, in the room of such militia man so discharged, until such discharge shall be confirmed under the hands of two or more deputy lieutenants of the county, riding, or place to which such regiment, battalion, or independent company belongs, assembled at any meeting in the subdivision for which such militia man was inrolled.

Persons becoming unfit to serve, may be discharged by the commanding officer;

which discharge must be confirmed by two deputy lieutenants.

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XXIX. And

Vacancies occaſioned by death, &c. to be filled up by a freſh ballot.

XXXIX. And be it further enacted, That when any militia man ſhall, before the expiration of the term for which he was to ſerve, die, or be appointed a ſerjeant, corporal, or drummer, in the militia, or be diſcharged in purſuance of the ſentence of a court-martial, the vacancy thus occaſioned ſhall be filled up by a freſh ballot for a militia man to ſerve according to the proviſions of this act, except as is herein-before excepted.

At ſubdiviſion meetings, men to be ballotted for, in room of thoſe whoſe terms of ſervice will expire Nov. 20, next enſuing, &c.

XL. And be it further enacted, That any two or more of the deputy lieutenants, at their ſeveral ſubdiviſion meetings, ſhall, and they are hereby required to ballot for militia men, in the room of all militia men actually ſerving, whoſe terms of ſervice will expire before the twentieth day of *November* then next enſuing the holding of ſuch ſubdiviſion meetings, and ſhall at a following meeting, to be holden as ſoon as conveniently may be, proceed to inrol the ſaid ballotted men, or their ſubſtitutes; and the commanding officer of every regiment, battalion, and independent company, is hereby impowered from time to time to diſcharge any man of his regiment, battalion, or independent company, whoſe time of ſervice will expire before the twentieth day of *November* then next enſuing, and to receive any other militia man in his room, who ſhall have taken the oath, and been inrolled according to the directions of this act; and every ſuch man ſo diſcharged, if ſerving for himſelf, ſhall be entitled to the ſame immunity from further ſervice as if he had ſerved his full term; and if any ſuch man ſo diſcharged was ſerving as a ſubſtitute, then the perſon for whom he ſerved ſhall be entitled to the like immunity as aforeſaid.

Half the price of volunteers to be paid perſons choſen by ballot, who are not worth ſool.

XLI. And be it further enacted, That in caſe any perſon not poſſeſſed of an eſtate in land, goods, or money, of the clear value of five hundred pounds, and who ſhall make oath that he is not poſſeſſed of ſuch eſtate, ſhall be choſen by ballot to ſerve in the militia for any pariſh, tything, or place, when the ſaid militia is drawn, or ordered out for actual ſervice, and ſuch perſon ſhall be ſworn and inrolled, or ſhall provide a fit perſon to ſerve as his ſubſtitute, who ſhall be ſworn and inrolled, the churchwardens or overſeers of the poor of ſuch pariſh, tything, or place, ſhall, on receiving an order under the hands of any two or more deputy lieutenants acting within the ſubdiviſion wherein ſuch pariſh, tything, or place is ſituate, pay to every ſuch perſon, ſo choſen by ballot, any ſuch ſum of money, not exceeding the ſum which ſuch deputy lieutenants ſhall adjuſt to be as near as may be one half of the current price then paid for a volunteer in the county, riding, or place where ſuch perſon was ſo choſen, which ſaid ſum of money ſhall be taken out of the poor's rate, to be made as herein-after directed for providing and producing volunteers, or in caſe no volunteers ſhall be provided or produced by the churchwardens or overſeers, then out of a rate to be made and collected agreeable to the poor's rate, as herein-after alſo directed; and in caſe any church-warden or overſeer of the poor ſhall reſuſe or neglect to pay ſuch money, upon demand, and the producing of ſuch order,

der, every fuch churchwarden or overfeer, fo refufing or neglecting to make fuch payment, fhall, for every fuch offence, forfeit the fum of five pounds, one half of which penalty fhall be paid to the perfon fo chofen by ballot, in lieu of the fum ordered to be paid to him as aforefaid: provided always, That if any man fo chofen by ballot, and ferving for himfelf, fhall, within one month after his inrollment, be difapproved of, and difcharged by the officer commanding the regiment, battalion; or independent company, fuch fum fhall not be paid to the perfon fo chofen by ballot, but fhall be paid, in manner before-mentioned, to the next perfon chofen by ballot in his ftead; and if any fubftitute be difapproved and difcharged in manner aforefaid, then no fuch fum fhall be paid to the man fo chofen by ballot, whofe fubftitute fhall have been fo difapproved and difcharged, unlefs he fhall ferve himfelf, or fhall find another fubftitute, who fhall be approved by fuch commanding officer as aforefaid.

XLII. And be it further enacted, That if the churchwardens or overfeers of the poor of any parifh, tything, or place, fhall, with the confent of the inhabitants, taken at a veftry, or at any other meeting to be holden for that purpofe, for the calling of which veftry or meeting three days publick notice fhall be given, fpecifying the caufe of calling fuch veftry or meeting, provide and produce to the faid deputy lieutenants, or any two or more of them, at any fubdivifion meeting for choofing the militia men by ballot, any volunteer or volunteers who fhall be approved by fuch deputy lieutenants, fuch volunteer or volunteers, fo approved, fhall be then and there fworn in and inrolled, to ferve for fuch term, and on the fame conditions, as is herein-before provided in cafe of fubftitutes produced by perfons chofen by ballot; and the faid deputy lieutenants fhall caufe only fuch number of perfons to be chofen by ballot out of the lift returned for fuch parifh, tything, or place, as fhall be then wanted to make up the whole number to ferve for fuch parifh, tything, or place; and if any fuch churchwardens or overfeers fhall give to fuch volunteer or volunteers any fum or fums of money, not exceeding fix pounds each, to ferve in the militia for fuch parifh, tything, or place, it fhall be lawful for fuch churchwardens or overfeers to make a rate upon the inhabitants of fuch parifh, tything, or place, according to the rate then made for the relief of the poor, which rate (being approved by any juftice of the peace) it fhall be lawful for fuch churchwardens or overfeers to collect, and to reimburse themfelves fuch fum or fums of money as they fhall have paid to fuch volunteer or volunteers as aforefaid, and the overplus (if any) fhall be applied as part of the poor's rate; and if any perfon fhall refufe to pay fuch rate, it fhall be lawful for any juftice of the peace, upon complaint thereof made by any fuch churchwarden or overfeer, by warrant under his hand and feal, to levy the fame by diftreff and fale of the offenders goods and chattels, returning the overplus, (if any), after the faid rate,

Volunteers may be raifed with the confent of the inhabitants, and a rate eftablifhed for paying them bounties.

and the charges of such distress and sale, shall be paid; but no person chosen by ballot who shall have served in the militia, either by himself, or by substitute, according to the directions of this act, or any other act or acts, or who shall be then serving himself, or by substitute, shall be liable to pay to any such rate: provided always, That if any person shall think himself aggrieved by any such rate as aforesaid, such person may appeal to the next general or quarter sessions, in like manner as is provided in the case of appeals against rates for the relief of the poor.

Justices may determine disputes between servants enrolled as militia men, and their masters, respecting wages.

XLIII. And be it further enacted, That if any servant whatever, hired by the year or otherwise, shall be inrolled as a militia man, and any dispute shall arise between his master or mistress, employer or employers, and such servant, touching any sum or sums of money due to such servant for or on account of his service performed before the time of such swearing and inrollment, or to such time as, under the conditions of the said swearing and inrollment, he shall be obliged to quit the service of his said master or mistress, employer or employers, by being called out to join the militia in which he shall have been sworn and inrolled, it shall and may be lawful, on complaint made thereof, within three months from the time of quitting the said service, to any justice of the peace for the county, riding, city, liberty, town corporate, or place where such master or mistress, employer or employers, shall inhabit, for such justice to hear and determine every such complaint, and to examine upon oath every such servant, or any other witness or witnesses, touching the same, and to make such order for the payment of so much wages to such servant in proportion to the service he has performed, as to such justice shall seem just and reasonable, provided the sum in question do not exceed the sum of twenty pounds; and in case of refusal or nonpayment of any sums so ordered by the space of twenty-one days next after such determination, such justice shall and may issue forth his and their warrant to levy the same, by distress and sale of the goods and chattels of such master or mistress, employer or employers, rendering the overplus to the owner or owners, after payment of the charges of such distress and sale.

Penalty on substitutes, &c. who do not appear, if they do not return the bounty.

XLIV. And be it further enacted, That any person, who shall receive money from any other person to serve as his substitute in the militia, or from any churchwardens or overseers of the poor, to serve as a volunteer as aforesaid, and shall neglect to appear at the usual meeting appointed for swearing the militia men, or before some one deputy lieutenant, in order to be sworn according to the directions of this act, every such person so neglecting to appear and be sworn, being convicted thereof before any deputy lieutenant, or justice of the peace, shall be obliged to return the money to the person or persons from whom he received it, and shall also forfeit and pay, to such person or persons, any sum not exceeding twenty shillings, at the discretion of the deputy lieutenant or justice of the peace before whom

he shall be fo convicted; and if fuch offender fhall not immediately return the money fo by him received as aforefaid, and likewise pay the faid penalty, he fhall be committed to the common goal or houfe of correction for the fpace of fourteen days, or until the faid fum fhall be returned.

XLV. And be it further enacted, That if any perfon chofen by ballot to ferve in the militia fhall have engaged any other perfon to ferve as his fubftitute, or if any churchwardens or overfeers of the poor fhall have engaged any perfon to ferve as a volunteer as aforefaid, and the perfon fo chofen by ballot, or fuch churchwardens or overfeers fhall have agreed to pay to the perfon fo engaged, a certain fum for fuch fervice, and fhall, after fuch perfon has been inrolled, refufe to pay him the full fum agreed on, it fhall be lawful for any one juftice of the peace, on application made to him, and fuch juftice is hereby required to order fuch fum of money as fhall appear to him to be due to the perfon fo engaged, to be immediately paid to him by the perfon or perfons by or for whom he fhall be engaged to ferve as aforefaid; and fuch juftice fhall proceed therein in the fame manner as is directed by an act of the twentieth year of the reign of his late Majefty, *For the better adjusting and more eafy recovery of the wages of certain fervants, and for the better regulating of fuch fervants, and of certain apprentices.*

Juftices may order payment of bounty to fubftitutes, etc. according to act 20 Geo. 3. c. 19.

XLVI. And be it further enacted, That whenever any body of militia fhall be embodied, and abfent from the county, riding, or place to which it belongs, the commanding officer of fuch body of militia fhall apply to every man whose time fhall be within four months of expiring, and who, in his judgement, fhall be fit to ferve as a militia man, and enquire if he is willing to continue in the fervice for fuch term as any man who fhould be then balloted to ferve would be fubject to, and for what price or fum he will continue; and fuch commanding officer fhall, on the firft day of the months of *January, March, May, July, September, and November* refpectively, or as foon after as conveniently may be, transmit to the clerk of the general meeting of the county, riding, or place, to which his body of militia belongs, a lift of all fuch private militia men in fuch body of militia, as he fhall find willing to continue in the fervice, in which lift fhall be fet down the fums they are refpectively willing to continue for, and which lift fhall be figned by every fuch militia man as aforefaid, and fhall be made in the following form; viz.

When a regiment is out of its county, lifts of men willing to continue to ferve, after the expiration of their term, to be transmitted by the commanding officer.

		Dated the		day of			
Name of the county.	Names of the men actually serving.	If substitutes, for whom they serve.	Of the parish of	In the hundred of	Time of service expires on the	Sum for which they engage to serve.	Signature of content.
	A. B.	C. D.	P.	H.			A. B.
	E. F.	L. M.	Q.	I.			E. F.
	G. K.		R.	N.			G. K.

Inlistment of a militia man into the standing army to be void.

Militia men offering to inlist into other regiments to be imprisoned six months, and if actually inlisted, to serve in such regiment when dismissed from the militia.

Persons so inlisting militia men to forfeit sol.

Soldiers offering to serve as substitutes, forfeit sol.

And that the signing of the said roll shall be binding upon the persons signing the same, to all intents and purposes whatsoever.

XLVII. And be it further enacted, That in case any officer, serjeant, or other person, shall at any time wilfully and knowingly inlist any man to serve in his Majesty's other forces, who at the time of such inlisting shall be inrolled or engaged to serve in the militia, every such inlisting shall be deemed null and void; and in case any militia man, at the time of offering to inlist as aforesaid, shall deny to the officer, serjeant, or other person recruiting for men to inlist and serve in his Majesty's other forces, that he is (at the time of his offering to inlist) a militia man then actually inrolled and engaged to serve (which the said officer, serjeant, or other person, is hereby required to ask every man offering to inlist in his Majesty's other forces), or shall offer himself to be inrolled and serve in any other regiment, battalion, or independent company of militia, every militia man so offending shall, on conviction thereof, upon the oath of one witness before any one justice of the peace, be committed to the common gaol, or house of correction, there to remain, without bail or mainprize, for and during any time not exceeding six months, over and above any penalty or punishment to which such person so offending is or shall be otherwise liable; and every person so offending, from the day on which his engagement to serve in the militia shall end, and not sooner, shall belong, as a soldier, to such corps of his Majesty's other forces into which he shall have been so inlisted; and if any officer, serjeant, or other person shall inlist any man belonging to the militia, to serve in his Majesty's other forces, knowing him to belong to the militia, or without asking him if he belongs to the militia, every such officer, serjeant, or other person shall, for every such offence, forfeit and pay the sum of twenty pounds; and if any person actually serving in any of his Majesty's other forces shall offer himself to serve and be inrolled as a substitute in the militia, every person so offending shall forfeit and pay, to the person informing of such offence, the sum of ten pounds, or be committed to the common gaol or house of correction, for any time not exceeding three months.

XLVIII. And

XLVIII. And be it further enacted, That if any person shall give orders to any serjeant, drummer, or other person serving in the militia, to beat up in any city, town, or place, for volunteers to serve in the militia, the person who shall give such orders shall, upon proof thereof, and of such beating up as aforesaid, upon oath, before any justice of the peace, forfeit and pay the sum of twenty pounds; one moiety whereof shall be applied to the use of the person who shall make information thereof before any justice of the peace; and if such serjeant, drummer, or other person, shall refuse to declare upon oath, before such justice, from whom he received such orders, it shall be lawful for such justice, and he is hereby required, by warrant under his hand and seal, to commit such serjeant, drummer, or other person, to the house of correction, for any time not exceeding three months.

Persons ordering serjeants, etc. of the militia to beat up for volunteers, to forfeit 10l.

Serjeants refusing to declare who gave them such orders, to be imprisoned.

XLIX. And be it further enacted, That the clerks of all subdivision meetings shall, within fourteen days after every subdivision meeting, transmit to the clerk of the general meeting of the county, riding, or place, fair and true copies of such rolls as shall be signed at such meeting.

Rolls signed at subdivision meetings to be transmitted to the general meeting.

L. And be it further enacted, That the lieutenant of every county, riding, and place shall, and he is hereby required to transmit to his Majesty's privy council, annually, an account in writing of the true state of the number of persons fit and liable to serve in the militia for such county, riding, or place; and that after the said account shall be so-transmitted, his Majesty's privy council shall forthwith fix and settle, as near as may be, the number of militia men who shall for the future serve for each county, riding, or place, by the proportion which the numbers so returned bear to the whole number of militia men by this act directed to be raised, and to transmit accounts of the numbers so fixed and settled, to the lieutenants of the several counties, ridings, and places aforesaid; and where the number of militia men so fixed and settled shall be greater than the number of militia men who shall be, by virtue of this act, appointed to serve for any county, riding, or place, then, and in every such case, the lieutenant for such county, riding, or place, together with any two or more deputy lieutenants, and on the death or removal, or in the absence, of the said lieutenant, any three or more deputy lieutenants shall, at a general meeting to be holden for that purpose, appoint what number of militia men shall serve for each respective hundred, rape, lath, wapentake, or other division within such county, riding, or place; and the additional number of militia men, to make up the whole number so fixed and settled as aforesaid, shall be provided or chosen in the same manner as other militia men are by this act to be provided or chosen, and all the additional men, so provided or chosen as aforesaid, or their substitutes, and also all volunteers, shall take the oath by this act required to be taken, and shall be inrolled, or sign their consent to serve in the militia, in such manner as is directed by this act, and in case of refusal shall be subject to the same penalties as in the like cases

A state of the number of persons liable to serve, to be transmitted annually to the privy council, who are to settle the quota for each place, and transmit the numbers to the county lieutenants.

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are inflicted by this act: provided always, That where the number of militia men fo fixed and fettled as aforefaid fhall be lefs than the number of militia men who fhall be appointed to ferve for any county, riding, or place, then, and in every fuch cafe, the faid lieutenant, together with any two or more deputy lieutenants, or (on the death or removal, or in the abfence of the faid lieutenant) any three or more deputy lieutenants, fhall, at a general meeting to be held for that purpofe, difcharge by ballot, proportionally out of each refpective hundred, rape, lath, wapentake, or other divifion, fo many militia men as fhall exceed the number fo fixed and fettled as aforefaid.

Penalties for refusing to ferve, &c. to be applied in providing fubftitutes.

LI. And be it further enacted, That the money arifing by penalties incurred for refusing to ferve in the militia, or to find fubftitutes to ferve in their room, fhall be applied, by any two or more deputy lieutenants, within their refpective fubdivifions, in providing fubftitutes for the perfons who fhall have paid fuch penalties, which fubftitutes fhall be sworn in and inrolled to ferve for the fame term, and on the fame conditions, as is hereinbefore provided in the cafe of fubftitutes provided by perfons chofen by ballot; and if any furplus fhall remain, the fame fhall be paid to the colonels or commanding officers of the refpective regiments, battalions, or independent companies in which fuch perfons ought to have ferved as militia men, and be applied as part of the regimental ftock.

Surplus to be a part of the regimental ftock.

Oaths may be administered by county lieutenants, &c.

LII. And be it further enacted, That in all cafes in the execution of this act, when any matter or thing is directed to be enquired of or examined into upon the oath of any witnefs or witneffes, before any lieutenant of any county, or any deputy lieutenant or lieutenants, or juftice or juftices of the peace, any fuch lieutenant, deputy lieutenant or lieutenants, or juftice or juftices of the peace, is or are hereby authorized to adminifter fuch oath to any witnefs or witneffes; and that all other oaths to be taken in purfuance of this act fhall and may be refpectively adminiftered by any lieutenant or deputy lieutenant.

How the militia are to be formed into regiments, and officered.

LIII. And be it further enacted, That in the feveral counties, ridings, and places, where the number of men is fufficient, the militia fhall be formed into regiments, confifting of not more than twelve, nor lefs than eight companies, of eighty private men to a company at the moft, and fixty private men at the leaft; and the field officers of fuch regiments fhall be as follows; (that is to fay), one colonel, one lieutenant-colonel, and one major; and where the number of militia men fhall amount to a number under eight, and not lefs than five companies, fuch militia fhall be formed into a battalion, and the field officers of fuch battalion fhall be one lieutenant colonel, and one major only; and where the number of private men fhall amount to any number under five, and not lefs than three companies, fuch militia fhall be formed into a battalion with one lieutenant colonel, or major, and no other field officer; and in each regiment or battalion of militia there fhall be one captain, one lieutenant, and one enfign to each company: provided always, That

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it fhall be lawful for every battalion, confifting of five companies, or upward, to have one company of grenadiers or light infantry, to which two lieutenants fhall be appointed, inftead of one lieutenant and one enſign; and it fhall be lawful for every regiment, confifting of eight companies, or upward, to have one company of grenadiers, and one company of light infantry, to each of which companies two lieutenants fhall be appointed, inftead of one lieutenant and one enſign.

LIV. And be it further enacted, That in the feveral counties, ridings, and places, where the number of militia men fhall not be fufficient to form a regiment or battalion, according to the intent and meaning of this act, the militia of ſuch counties, ridings, and places, fhall be formed into independent companies, each company to confiſt of eighty private men at the moſt, and fixty private men at the leaſt, with one captain, one lieutenant, and one enſign to each company; and that his Majeſty may, whenever he thinks proper, join together any number of ſuch independent companies, and form a battalion or battalions, or may incorporate them with any other regiment or battalion of militia, provided the number of companies in any ſuch regiment or battalion be not thereby made to exceed the number of companies of which a regiment or battalion of militia is hereinbefore directed to confiſt.

How independent companies are to be formed; which may thereafter be formed into battalions.

LV. And be it further enacted, That it fhall be lawful for the lieutenant of any county, riding, or place, to act as colonel or commanding officer of any regiment, battalion, or independent company of militia for ſuch county, riding, or place, for and during ſuch time as there fhall not be any colonel or commanding officer appointed to ſuch regiment, battalion, or independent company, but no ſuch lieutenant fhall, at any one time, act as colonel or commanding officer to more than one body of militia, whether regiment, battalion, or independent company; and where the lieutenant of any county, riding, or place, fhall take the command of any body of militia not being by this act deemed a regiment, he fhall be entitled to the rank of colonel, except when the ſaid company fhall be formed into battalion as aforeſaid, but fhall receive no greater pay than the proper commanding officer of ſuch body would be entitled to.

County lieutenants may act and bear rank as colonels, though the bodies of men do not entitle their commanding officers to that rank.

LVI. And be it further enacted, That when any colonel or other commanding officer of any regiment, battalion, or independent company, fhall be abſent from *Great Britain*, all the powers by this act given to ſuch colonel or other commanding officer fhall be veſted in and lawfully may be exerciſed by the next officer in command in ſuch regiment, battalion, or independent company, who fhall be reſiding within *Great Britain*, until ſuch colonel or other commanding officer fhall be returned to *Great Britain*, and fhall have notified his arrival to the clerk of the peace of the county, riding, or place to which ſuch regiment, battalion, or independent company belongs, and the clerk of the peace is hereby required forthwith, upon receipt of ſuch notification, to tranſmit an account thereof to the officer who

The ſenior officer in *Great Britain* to be inveſted with the powers given to colonels.

who fhall have been next in command as aforefaid; and all acts, matters, and things done by fuch officer next in command as aforefaid, in exercifing the powers given by this act to colonels and other commanding officers, fhall be good and valid in the law, equally as if they had been done by the colonel or commanding officer himfelf.

The rank of colonel may be given to lieutenant colonels commandant of five years fervice.

LVII. And be it further enacted, That when a battalion of militia is commanded by a lieutenant colonel, who fhall have been commandant of the fame for five years, or longer, it fhall be lawful for the lieutenant of the county, riding, or place to which fuch battalion fhall belong, with the content of his Majefty, to give to fuch lieutenant colonel commandant a commiffion of colonel.

How the militia is to be officered, where the numbers are not fufficient for a regiment.

LVIII. And be it further enacted, That in all counties where the number of men are fufficient to form fix companies, but not fufficient to form a regiment, it fhall be lawful for the lieutenant to appoint three perfons, qualified according to the directions of this act, to ferve, with the rank of colonel, lieutenant colonel, and major, but with no higher pay than if they were appointed lieutenant colonel, major, and captain; and where the number of men fhall be fufficient to form four companies, but not fufficient to form fix companies, it fhall be lawful for the lieutenant to appoint two perfons, qualified as aforefaid, to ferve, with the rank of lieutenant colonel and major, but that only one of them fhall be entitled to any higher pay than that of captain; and in all counties and places where the number of militia men is not fufficient to form more than two companies, the eldeft captain fhall rank as major, but fhall only be entitled to the pay of captain.

Lieutenants may be appointed captain lieutenants, where there are fix companies in the regiment.

LIX. And be it further enacted, That any perfon duly qualified as a lieutenant may be appointed to the rank of captain lieutenant in any regiment or battalion of militia, confifting of not lefs than fix companies; but that no captain lieutenant fhall, by the date of his commiffion or otherwife be entitled to rank above, or to command any captain of a company in the militia.

Adjutants to be appointed from the army, or embodied militia.

LX. And be it further enacted, That his Majefty may and fhall appoint one proper perfon who fhall have ferved, or fhall at the time of fuch appointment actually ferve, in fome of his Majefty's other forces, or in any body of militia that has been drawn out and embodied, to be an adjutant to each regiment, battalion, or independent company of militia, in every county, riding, or place, and fuch adjutant, if appointed out of his Majefty's other forces, fhall, during his fervice in the militia, preferve his rank in the army in the fame manner as if he had continued in that fervice; and the lieutenant of any county, riding, or place, may give any fuch adjutant a commiffion of a lieutenant or enfign, although fuch adjutant may not have the qualification required by this act for a lieutenant or enfign; and it fhall be lawful for the lieutenant of any county, riding, or place, on the recommendation of the commanding officer of any regiment

Rank in the army to be preferred by adjutants, who may hold a fubaltern's commiffion, though not qualified, and may have the brevet rank of captain, &c.

ment or battalion of militia raised within fuch county, riding, or place, confifting of not lefs than fix companies, to appoint the adjutant of fuch regiment or battalion to the rank of captain, by brevet, provided fuch adjutant has ferved five years in the rank of lieutenant, whether in the militia or in his Majefty's other forces, although fuch adjutant may not have the qualification required by this act for captains: provided always, That no fuch appointment to the rank of captain fhall be valid, unlefs in the intrument granting the fame it be fpecified in what regiment or battalion, and whether of the militia or of his Majefty's other forces, fuch adjutant hath ferved in the rank of lieutenant, and what was or were the date or dates of his commiffion or commiffions: provided alfo, That no adjutant fo appointed to the rank of captain fhall, by the date of fuch appointment as afore-
 faid, or otherwife, be entitled to rank above, or to command, any captain of a company in the militia, nor fhall, by virtue of fuch appointment, be entitled to receive any greater pay than that of a lieutenant, together with his pay as adjutant.

LXI. And be it further enacted, That the colonel, or (where there is no colonel) the commanding officer of every regiment or battalion of militia, confifting of more than two companies, when fuch regiment or battalion is not in actual fervice, may appoint a regimental or battalion clerk, who fhall execute the office of paymafter; but where the number of men fhall not be fufficient to form more than two companies, no clerk fhall be allowed, but the receiver-general of the land tax fhall pay the money neceffary for fuch number of men to the commanding officer of fuch company or companies, which commanding officer fhall account with the receiver-general for the fame.

LXII. And be it further enacted, That no adjutant, furgeon, regimental or battalion clerk, or quarter mafter in the militia, fhall be capable of being appointed captain of a company; and that no perfon holding the commiffion of captain of a company fhall be capable of being appointed adjutant, furgeon, regimental or battalion clerk, or quarter mafter: provided neverthelefs, That any battalion clerk may be appointed a captain lieutenant in any regiment or battalion of militia entitled by the provifions of this act to have a captain lieutenant.

LXIII. And be it further enacted, That no officer who is entitled to half pay, fhall be deemed or taken to forfeit or quit fuch half pay during the time he fhall ferve as lieutenant, en-
 fign, adjutant, battalion clerk, paymafter, quarter mafter, or furgeon, in any regiment, battalion, or independent company of militia, but that the fame fhall neverthelefs continue; and inftead of the oath directed by the act for punifhing mutiny and defertion, and for the better payment of the army and their quarters, to be taken by fuch officer, he fhall take the following oath:

A paymafter may be appointed to a battalion of more than two companies; but the money neceffary for a lefs number, to be paid to the commanding officer.

No adjutant, etc. to be appointed captain of a company, etc.

Half pay of officers ferving as fubalterns, &c. not to forfeit their half pay.

I, A. B. do fwear, That I had not, between the any place or employment of profit, civil or military, under his Majefty, befides my allowance of half pay as a reduced

Form of oath to be taken by fuch officers.

reduced of *in* *late regiment*
of *save and except my pay as lieutenant,*
ensign, adjutant, battalion clerk, paymaster, quarter master, or sur-
geon, [as the case may be], for serving in a regiment of militia:

And the taking of the said oath shall, without taking any other oath, be sufficient to entitle such person to receive his half pay.

Proportion of non-commissioned officers and drummers, when the militia is not on actual service, and their pay, &c.

LXIV. And be it further enacted, That serjeants, corporals, and drummers shall be appointed to the militia, in the following proportions (that is to say), When not in actual service there shall be one serjeant and one corporal to every thirty men, and when the militia shall be drawn out into actual service, an addition shall be made, so that there shall be one serjeant and one corporal to every twenty men, and when not in actual service, there shall be one drummer to every company, with an addition of one drummer for each flank company of regiments or battalions consisting of six or more companies, and when the militia shall be drawn out into actual service there shall be an addition of one drummer to every company so drawn out; and the daily pay of every such serjeant, corporal, and drummer, shall be as follows (that is to say), To every serjeant one shilling, to every corporal eight-pence, and to every drummer sixpence; and such serjeants, corporals, and drummers, shall be new cloathed, when not in actual service, once in two years: and all serjeants and corporals shall take the following oath; (that is to say),

Form of the oath to be taken by serjeants, &c.

I, A. B. *do sincerely promise and swear, That I will be faithful, and bear true allegiance to his majesty King George; and I do swear that I am a protestant, and that I will faithfully serve as a serjeant, or corporal, [as the case shall be], in the militia within the kingdom of Great Britain, for the defence of the same, until I shall be legally discharged:*

Serjeant majors and drum majors to be appointed.

And the colonel of every regiment or battalion, or (where there is no colonel) the commanding officer of every battalion consisting of four or more companies, may appoint a serjeant major out of the serjeants, and a drum major out of the drummers; and that all serjeants, corporals, and drummers, having received any pay as such from any regiment, battalion, or independent company, shall be deemed to be engaged, and compellable to serve in such regiment, battalion, or independent company, until they shall be legally discharged: provided always, That no person who shall keep any house of publick entertainment, or who shall sell any ale or wine, or any brandy or other spirituuous liquors by retail, shall be capable of being appointed or serving as a serjeant, corporal, or drummer, in the militia: provided always, That if it shall happen that in any regiment or battalion there shall be a surplus of fifteen men or upwards, after the apportionment of one serjeant and one corporal to every thirty men, such regiment or battalion shall be entitled to have one additional

No publican, etc. capable of serving as a serjeant, etc.

A surplus of 25 men, above the proportion of 30 to 1 corporal, to entitle

additional corporal, when not in actual service, for such surplus number of men.

LXV. And be it further enacted, That any serjeant, corporal, or drummer, may be discharged by the colonel, or (where there is no colonel) by the commanding officer (with the consent of the captain of the company); and that the captain (with the approbation of the commanding officer) may appoint any proper person in the room of every serjeant, corporal, and drummer, who shall die, desert, or be discharged, all which serjeants and corporals, so appointed, shall take the like oath as is hereinbefore required to be taken by serjeants and corporals.

LXVI. And be it further enacted, That in case his Majesty's lieutenant for any county, or the commanding officer of any regiment, battalion, or independent company, shall be desirous of keeping up a greater number of drummers than one *per* company, to be employed as fifers or musicians for the use of the said regiment, battalion, or independent company, and shall be willing to defray the expence of such additional drummers, it shall and may be lawful for the commanding officer of any regiment, battalion, or independent company, to retain in their respective corps any number of the drummers who now are employed as fifers or musicians therein, over and above the number of one drummer *per* company established by this act, or at any time hereafter to engage any additional number of drummers to act as fifers or musicians in their respective corps; and all such drummers so retained, or in future engaged to serve in any such corps as fifers or musicians, shall be deemed as drummers of militia within the meaning of this act, to all intents and purposes whatsoever, and shall be subject to the same orders, regulations, penalties, and punishments, as other drummers of militia are by this act subject, and shall continue to serve as drummers so long as they shall receive the same pay and cloathing as other drummers have, or better cloathing in lieu thereof, and no longer.

LXVII. And be it further enacted, That any person, being a serjeant on the establishment of *Chelsea Hospital*, at the allowance of twelve-pence a day, and being appointed to serve in the militia, shall and may receive the said allowance of twelve-pence a day, together with his pay from the said militia: and any person who shall have faithfully served as a serjeant in the militia for fifteen years, or as a corporal or drummer for twenty years, and who shall be discharged on account of age or infirmity, shall, on the recommendation of the commanding officer of the regiment, battalion, or independent company, to which he belongs, and the lieutenant, and two or more deputy lieutenants of the county, riding, or place, to which the said regiment, battalion, or independent company belongs, or on the death or removal, or in the absence of the said lieutenant, by the commanding officer, and three or more deputy lieutenants of such county, riding, or place, be entitled to examination at the *Chelsea* board, and be capable to be placed on the pension of five-

the battalion to an additional corporal.

Commanding officers may discharge serjeants, etc. and the captains may appoint successors.

Extra drummers may be kept as musicians, but not at the expence of the publick.

Serjeants of *Chelsea Hospital* may receive their allowance therefrom together with their pay. What service entitles serjeants, &c. to a recommendation to the *Chelsea* pension.

pence

pence *per Diem*, if the faid board fhould judge him deferving thereof: provided that no perfon who fhall be appointed a ferjeant in the militia after the paffing of this act, fhall be entitled to fuch recompence, until he fhall have ferved in the militia, or in the army and militia, for twenty years.

Militia to be exercifed for 28 fucceffive days annually, and amenable to the mutiny laws.

LXVIII. And be it further enacted, That the militia to be appointed as aforefaid fhall be trained and exercifed by regiment, battalion, or independent company, once in every year for twenty-eight days together, in the manner herein-after directed, at fuch time and place as fhall be leaft inconvenient to the publick, fuch time and place to be appointed by a general meeting of the lieutenantancy, to be holden as herein-before directed, within every county, riding, and place, or in default of any fuch meeting being holden, then by the lieutenant of the county, riding, or place, or by three deputy lieutenants, authorized by his Majesty to act when the lieutenant fhall be out of *Great Britain* as aforefaid; and during fuch time as the militia fhall be affembled for the purpofe of being trained and exercifed, all the claufes, provifions, matters, and things contained in any act of parliament, which fhall be then in force for the punifhing mutiny and defertion, and for the better payment of the army and their quarters, fhall be in force with refpect to the militia, and all the officers, noncommiffioned officers, and private men of the fame, in all cafes whatfoever, but fo that no punifhment fhall extend to lofs of life or limb.

Notice of the time and place of exercife, to be affixed on the church doors.

LXIX. And be it further enacted, That notice of the time and place of exercife of the militia men of each parifh, tything, and place, fhall be fent, by the clerk of the general meetings, to the chief conftables or other officers of the feveral hundreds, rapes, laths, wapentakes, or other divifions, with directions to forward the fame to the conftables, tythingmen, headboroughs, or others officers within their refpective hundreds, rapes, laths, wapentakes, or other divifions, which conftables, tythingmen, headboroughs, or other officers, fhall caufe fuch notice as aforefaid to be affixed on the doors of the churches or chapels belonging to their refpective parifhes, tythings, or places, or (if any place fhall have no church or chapel belonging thereto) on the door of the church or chapel of fome parifh, tything, or place thereunto adjoining; and all fuch militia men fhall duly attend at the time and place of exercife, according to fuch notice.

Ten days prior to the annual exercife, lifts of the men inrolled, to be fent to the refpective commanding officers, etc.

LXX. And be it further enacted, That the clerks of the feveral fubdivifion meetings, in every county, riding, or place, fhall, ten days at leaft before the time fo appointed for the annual exercife, caufe a full and true lift, fpecifying the name and date of the inrolment of all the perfons inrolled (within each fubdivifion refpectively) to ferve in fuch regiment, battalion, or independent company, to be tranfmitted to the commanding officer of fuch regiment, battalion, or independent company, or to fuch perfon as fhall be appointed by fuch commanding officer to receive the fame; and fhall in like manner caufe a duplicate of

of fuch lift to be tranfmitted to the adjutant of fuch regiment, battalion, or independent company.

LXXI. And be it further enacted, That at the firft meeting for annual exercife that fhall be appointed after the paffing of this act, the commanding officer of each regiment, battalion, or independent company, fhall, on the firft day on which fuch regiment, battalion, or independent company is directed to afsemble as aforefaid, and in the prefence of fuch deputy lieutenants and other officers as fhall be then and there afsembled, proceed to caufe fuch a number of the perfons inrolled to ferve in fuch regiment, battalion, or independent company, to be chofen by ballot out of the lift returned for each fubdivifion, as fhall be equal to two thirds of the compleat number that ought to be inrolled on the lift of fuch fubdivifion. Provided always, That where the number of men that ought to be inrolled for any fubdivifion, cannot be divided into three equal parts, the two thirds, to be chofen by ballot as aforefaid, fhall be computed upon the next higheft number that can be divided into three equal parts.

From which lifts, two thirds of the complete number fhall be chofen by ballot, at the firft meeting for exercife.

LXXII. And be it enacted, That on the day next after fuch ballot, the commanding officer fhall caufe the regiment, battalion, or independent company, to be muftered according to the fubdivifion for which each perfon fhall have been inrolled to ferve, and fhall caufe the roll of each fubdivifion refpectively to be publickly called; and as the name of each perfon contained therein fhall be read, he fhall declare whether fuch perfon is, or is not (as the cafe may be) ballotted out of fuch roll in the manner herein-before provided.

The day after the ballot, the regiment, etc. to be muftered, etc.

LXXIII. And be it further enacted, That if any vacancy or vacancies fhall happen by the death or difcharge of any perfon or perfons fo ballotted as aforefaid, or by the expiration of the term for which any perfon or perfons fo ballotted as aforefaid fhall have been inrolled to ferve, the commanding officer of each regiment, battalion, or independent company, fhall, at the next meeting to be appointed for annual exercife after fuch vacancy fhall have happened, proceed to ballot in the manner herein-before directed, for fuch further number as fhall be wanting to compleat the full proportion of two thirds of the number, of which fuch regiment, battalion, or independent company, ought to confift.

Vacancies by death, etc. to be filled up by ballot at the firft meeting.

LXXIV. And be it further enacted, That all and every fuch perfon or perfons as the commanding officer of fuch regiment, battalion, or independent company, fhall declare to have been fo ballotted out of fuch roll as aforefaid, fhall be trained and exercifed for the time, and in the manner herein-before directed, during every year for which fuch perfon or perfons is or are inrolled to ferve; and all and every fuch perfon or perfons as the commanding officer of fuch regiment, battalion, or independent company, fhall declare to have been not fo ballotted as aforefaid, fhall be difcharged from further attendance during the remainder of the term appointed for the annual exercife.

The men ballotted to be exercifed, and the remainder difcharged from attendance.

The men fo discharged, liable to military law, while they remain where the regiment is affembled;

LXXV. Provided always, and be it enacted, That all and every fuch perfon or perfons fo discharged as aforefaid, fhall, during the time he or they fhall remain in the town or place where fuch regiment, battalion, or independent company is affembled, be fubject and liable to the fame orders, regulations, penalties, and punifhments, as the perfons fo chofen to be trained and exercifed as aforefaid are by this act fubject, unlefs fuch perfon or perfons fhall be ufually refident, or have his or their place of abode in fuch town or place.

and to appear on notice, at any fubfequent place of exercife.

LXXVI. Provided alfo, and be it enacted, That all fuch perfons as fhall be fo discharged as aforefaid fhall, and they are hereby required perfonally to appear at any fubfequent time or place of exercife, of which due notice fhall be given as required by this act, and fhall, on default of fuch appearance, be fubject to the fame penalties and punifhments as any other perfon or perfons inrolled to ferve in fuch regiment, battalion, or independent company, is or may by this or any other act be fubject to.

Perfons not chofen by ballot, may ferve for fuch as are.

LXXVII. And be it further enacted, That if any inrolled perfon, not chofen by ballot as aforefaid, fhall offer himfelf as a volunteer to be trained and exercifed in the room of any perfon fo chofen by ballot, it fhall be lawful for the commanding officer of the regiment, battalion, or independent company, to accept fuch volunteer in the room of fuch perfon fo ballotted as aforefaid; and fuch perfon fo accepted, fhall be trained and exercifed in the fame manner, and under the fame regulations, and for the fame term, as if he had himfelf been chofen by ballot as aforefaid.

Authority to magiftrates to billet the militia.

LXXVIII. And be it further enacted, That it fhall be lawful for all mayors, bailiffs, conftables, tythingmen, headboroughs, and other chief magiftrates, and officers of cities, towns, parifhes, tythings, and places, and (in their default or abfence) for any one juftice of the peace inhabiting within or near any fuch city, town, parifh, tything, or place (but for no others), and they or he are or is hereby required to quarter and billet the officers, non-commissioned officers, and private men ferving in the militia, at the times when they fhall be called out to annual exercife, in inns, livery ftables, alehoufes, victualling houfes, and all houfes of perfons felling brandy, ftrong waters, cyder, wine, or metheglin by retail, upon application made to any fuch mayors, bailiffs, conftables, tythingmen, headboroughs, or other chief magiftrates, or officers, by his Majesty's lieutenant, or by the colonel or commanding officer of the militia of the county, riding, or place, where they fhall be fo called out to exercife as aforefaid; and when the militia is not embodied, all mayors and other chief magiftrates, and officers aforefaid, or (in their default or abfence) any one juftice of the peace as aforefaid, may, and they or he are or is hereby required to order and provide convenient lodging, in fuch houfes as aforefaid, for the ferjeants, corporals, and drummers of the militia.

Militia men falling fick on the march to be relieved,

LXXIX. And be it further enacted, That in cafe any militia man fhall on his march, or at the place where he fhall be called

called out to annual exercise, be disabled, by sickness or otherwise, it shall be lawful for any one justice of the peace of the county, riding, or place, or any mayor or chief magistrate of any city, town, or place where such man shall then be, by warrant under his hand and seal, to order him such relief as such justice, mayor, or chief magistrate, shall think reasonable, and the same shall be given by the officers of the parish, tything, or place where such militia man shall then be; and the officers giving such relief shall, upon producing an account of the expences thereof to the treasurer of the county, riding, or place, for which such militia man shall serve (such account being first allowed under the hand of a justice of the peace) be reimbursed such expences by such treasurer, and he shall be allowed the same in his accounts.

and the expence to be repaid by the county treasurer.

LXXX. And be it further enacted, That when the militia shall be called out to be trained and exercised, any justice of the peace of any county, riding, or place, being thereunto required by an order from the lieutenant, or from any deputy lieutenant, of such county, riding, or place, or from the colonel, or other chief commissioned officer of any regiment, battalion, company, or detachment of militia, being within such county, riding, or place, to issue his warrant to the chief constables of hundreds, rapes, laths, wapentakes, or divisions; or to the constables, tythingmen, headboroughs, or other officers of the several parishes, tythings, or places, from, through, near, or to which any such regiment, battalion, company, or detachment of militia shall be ordered to march, requiring them to provide such sufficient carriages to convey the arms, clothes, accoutrements, powder, match, bullets, and other stores, with able men to drive such carriages, as shall be mentioned in the said order; and in case such sufficient carriages and men cannot be provided within any such county, riding, hundred, rape, lath, wapentake, division, parish, tything, or place, then any justice of the peace for any adjoining county, riding, or place, shall, upon such order as aforesaid being shewn unto him, issue his warrant to the chief constables, constables, tythingmen, headboroughs, or other such officers of any hundred, rape, lath, wapentake, division, parish, tything, or place within such adjoining county, riding, or place, for the purposes aforesaid, to make up such deficiency of carriages and men; and such lieutenant, deputy lieutenant, or colonel, or other chief commissioned officer, requiring such carriages and men to be provided as aforesaid, shall, at the same time, pay to every such chief constable, constable, tythingman, headborough, or other officer, for the use of the person or persons who shall provide such carriages and men, the sum of one shilling for every mile any waggon with five horses, and any wain with six oxen, or with four oxen and two horses, shall respectively travel, and the sum of nine-pence for every mile any cart with four horses shall travel, and so in proportion for any carriages drawn by any less number of horses or oxen, for which respective sums every chief constable, constable, tythingman,

Justices may grant warrants for impressing carriages for the militia on its march.

Rates to be paid for such carriages,

headborough, or other officer receiving the fame, is hereby required to give a receipt to the perfon paying the fame; and every fuch chief conftable, conftable, tythingman, headborough, or other officer, fhall order and appoint fuch perfon or perfons having carriages within their refpective hundreds, rapes, laths, wapentakes, parifhes, tythings, or places, as they fhall think proper, to provide and furnifh fuch carriages and men according to the warrant aforefaid, and every perfon fo ordered is hereby required to provide and furnifh the fame accordingly for one day's journey, and no more; and in cafe any fuch chief conftables, conftables, tythingmen, headboroughs, or other officers, fhall be at any charges for fuch carriages, over and above the money which fhall be fo received by them as aforefaid, fuch overplus fhall be borne by every county, riding, or place where fuch additional expence fhall be incurred, and be repaid to them, without fee or reward, by the treafurer of every fuch county, riding, or place, out of the publick ftock.

if the expence exceed the rates of carriage, the furplus to be paid by the treafurer of the county, &c.

When the militia is called out to annual exercife, fute thereof to be fent to the county lieutenant.

LXXXI. And be it further enacted, That the colonel or other commanding officer of every regiment, battalion, and independent company of militia, fhall, and is hereby required, as often as the regiment, battalion, or independent company fhall be called out to annual exercife as before directed, to return, to the lieutenant of the county, riding, or place to which the fame belongs, a true ftate of fuch regiment, battalion, or independent company; and in cafe any fuch colonel or commanding officer fhall refufe or neglect, for fix months after the faid annual exercife, fo to do, he fhall, for every fuch offence, forfeit and pay the fum of one hundred pounds.

Militia men not appearing at, or abfentingthemselves during the annual exercife, and not taken up till after the exercife, to forfeit 20l.

LXXXII. And be it further enacted, That every militia man (not labouring under any infirmity incapacitating him) who fhall not appear at the time and place appointed for annual exercife, according to the directions of this act (notice having been publifhed as this act requires), fhall be deemed a defertor, and if not taken until after the time of fuch exercife, fhall forfeit and pay the fum of twenty pounds, and alfo every militia man who, having joined the regiment, battalion, or independent company to which he belongs, fhall defert or abfent himfelf during the time of annual exercife, and fhall not be taken until after the time of fuch exercife, fhall forfeit and pay the fum of twenty pounds; and if fuch penalty fhall not be immediately paid, the juftice of the peace before whom any fuch militia man fhall be convicted of any fuch offence fhall commit fuch militia man to the common gaol, there to remain, without bail or mainprize, for the fpace of fix months, or until he fhall have paid the faid penalty.

Another man to be ballotted for, if a defertor does not return in three months.

LXXXIII. And be it further enacted, That in cafe any militia man fhall defert or abfent himfelf from his duty, and fhall not return, or be taken within the fpace of three months from the time of his fo deferting or abfenting himfelf, then upon certificate thereof from the commanding officer of the regiment, battalion, or independent company, to the deputy lieutenants at
any

any of their meetings for the fubdivifion for which fuch militia man was inrolled, fuch deputy lieutenants, or any two or more of them, are hereby required to hold a fubdivifion meeting, and to proceed to ballot for another perfon to ferve and be returned to fuch regiment, battalion, or independent company, in the room of every fuch militia man; and in cafe fuch militia man fhall at any time return or be taken, he fhall, notwithstanding any perfon fhall have been chofen in his room, be compelled to ferve in the fame manner, and for the fame term, as if no perfon had been fo chofen in his room.

Deferters liable to ferve their term, whenever taken up.

LXXXIV. And be it further enacted, That if any perfon, being fworn and inrolled to ferve as a fubftitute in the militia, fhall afterward defert or abfent himfelf from the regiment, battalion, or independent company to which he belongs, every fuch perfon fhall be liable to, and fhall ferve as a militia man, in fuch regiment, battalion, or independent company, for and during the full term for which he fhall have been inrolled, to be computed from the day on which he fhall be apprehended, and fhall alfo be fubject to fuch other penalty or punifhment as fhall be inflicted upon him for fuch offence by virtue of this act; and the commanding officer of fuch regiment, battalion, or independent company, fhall caufe notice to be given to the clerk of the fubdivifion for which fuch perfon was inrolled, of the day on which he was apprehended, and fuch clerk fhall make an entry in the roll of the militia men of the name of fuch perfon, and alfo of the time of his being fo apprehended.

Subftitutes deferting, liable to ferve their full term, whenever taken up.

Notice of apprehending deferters to be fent to the clerk of the fubdivifion.

LXXXV. And be it further enacted, That all mufkets delivered for the fervice of the militia fhall be marked diftinctly, in fome vifible place, with the letter (*M*), and the name of the county, riding, or place, to which they belong; and in cafe any militia man fhall fell, pawn, or lofe any of his arms, clothes, or accoutrements, or neglect or refufe to return the fame in good order to his captain, or to the perfon appointed to receive the fame, every fuch militia man fhall, for every fuch offence, forfeit and pay a fum not exceeding three pounds; and if fuch militia man fhall not immediately pay fuch penalty, the juftice of the peace before whom he fhall be convicted fhall commit him to the houfe of correction for any time not exceeding three months, or until he fhall have paid the faid penalty.

Mufkets to be marked.

Penalty on felling arms, &c.

LXXXVI. And be it further enacted, That if any perfon fhall knowingly and willingly buy, take in exchange, conceal, or otherwife receive any arms, clothes, or accoutrements, belonging to any militia man, upon any account or pretence whatever, contrary to the true intent and meaning of this act, the perfon fo offending fhall forfeit and pay, for every fuch offence, the fum of five pounds; and if fuch offender fhall not immediately pay fuch penalty, and fhall not have fufficient goods and chattels whereon to levy fuch penalty, the juftice before whom he fhall be convicted fhall commit him to the common gaol, there to remain, without bail or mainprize, for the fpace of three

Penalty on buying arms, &c.

months, or shall cause such offender to be publickly whipped, at the discretion of such justice.

Men may be put under stoppages to buy them necessaries, &c.

LXXXVII. And be it further enacted, That when any regiment, battalion, or independent company of militia, shall be assembled for the purpose of being trained and exercised, it shall be lawful for the captain or commanding officer of every company to put the militia men of his company under stoppages, not exceeding sixpence *per* day, for the purpose of providing them with linen, and also with stockings and other necessaries, and for defraying the expence of repairing any arms which shall have been broken or damaged by any such militia man's neglect: provided always, That every such captain or commanding officer shall account with each militia man for such stoppage, and after having deducted what shall have been laid out and paid for necessaries, and for repairing the arms as aforesaid, shall pay the sum remaining (if any there shall be) into the hands of the militia man to whom the same belongs, before such militia man shall be dismissed from such training and exercise.

Adjutants, &c. may be tried by a court-martial for offences committed when the militia is not embodied.

LXXXVIII. And be it further enacted, That every adjutant, serjeant major, serjeant, corporal, drum major, and drummer of the militia, shall be at all times subject to any act which shall be in force for punishing mutiny and desertion, and for the better payment of the army and their quarters, and to the articles of war, under the command of the colonel, or (where there is no colonel) the commanding officer of the regiment, battalion, or independent company to which he belongs; and it shall be lawful for the colonel, or (where there is no colonel) the commanding officer of any regiment or battalion of militia, to direct the holding of courts-martial whenever such regiment or battalion shall be embodied for the purpose of annual exercise, for the trial of any serjeant major, serjeant, corporal, drum major, or drummer of such regiment or battalion, for any offence committed during the time such regiment or battalion was not embodied, but so that no punishment shall extend to the loss of life or limb.

Serjeants and corporals may be reduced to serve as privates.

LXXXIX. And be it further enacted, That any serjeant or corporal of the militia may, by sentence of a court-martial, be reduced to the condition of a private soldier of the militia, to serve as such during any time not exceeding fifteen months; after which time, if not regularly re-appointed to the rank of a non-commissioned officer, he shall be discharged from the service.

Arms, when not wanted, to be kept in a place to be appointed by the commanding officer.

XC. And be it further enacted, That the arms belonging to every regiment, battalion, and independent company, when not embodied, shall be kept in such convenient place as the colonel, or (where there is no colonel) as the commanding officer shall direct, with the approbation of the lieutenant of the county, riding, or place.

XCI. And be it further enacted, That one third part at the least

least in number of the serjeants, corporals, and drummers, in every regiment, battalion, and independent company, shall constantly be resident within the city, town, or place where the arms belonging to such regiment, battalion, or independent company, are kept, and shall be under the command of the adjutant, who shall act in such command under the orders of the colonel, or (where there is no colonel) of the commanding officer of such regiment, battalion, or independent company; and that the adjutant, and in the absence of the adjutant the serjeant major, shall make a monthly return of the true state of the serjeants, corporals, and drummers of the regiment, battalion, or company, severally, to the lieutenant of the county, and the commanding officer of the said regiment, battalion, or company, in default of which, on each such neglect, such adjutant or serjeant major shall be subject to such punishment as a court-martial shall adjudge; and that no serjeant, corporal, or drummer, shall be absent from such city, town, or place, without a regular furlough from his colonel, or (where there is no colonel) from the commanding officer; and every serjeant, corporal, and drummer, who shall absent himself without such furlough, shall be liable to be apprehended as a deserter; and such adjutant shall never absent himself from such city, town, or place, without leave of the colonel, or (where there is no colonel) of the commanding officer of such regiment, battalion, or independent company: provided nevertheless, That whenever such adjutant shall be absent, with such leave as aforesaid, then such serjeants, corporals, and drummers, shall be under the command of the serjeant major, or of some serjeant, who shall be appointed by the said adjutant, with the approbation of the said colonel, or (where there is no colonel) the commanding officer, to act as serjeant major during the absence of such adjutant.

XCII. And be it further enacted, That if any militia man shall not join the regiment or battalion to which he belongs at the time of annual exercise, or shall desert during the time of annual exercise, and shall not be apprehended before the expiration of the time appointed for such exercise, and if the commanding officer or the adjutant of such regiment or battalion, or the commanding officer of the company of such regiment or battalion, to which such offender belongs, shall receive information of the place where he shall be or reside, any such commanding officer or adjutant may, by writing under his hand, describe the person of such offender, and also certify that he did not join the regiment or battalion at the time of annual exercise, or that he deserted during the time of annual exercise (as the case may be), and send the same, by a serjeant, corporal, or drummer of such regiment or battalion, to the adjutant or serjeant major of the regiment or battalion of the county, riding, or place, wherein such offender is supposed to be or reside; and the adjutant or serjeant major to whom such certificate shall be sent, shall direct a party of the serjeants, corporals, or drummers of the regiment or battalion to which he belongs, to assist in apprehending such

One third part of the serjeants, etc. toresidewhere the arms are kept.

Monthly returns of the serjeants, etc. to be sent to the county lieutenant.

Serjeants, etc. absenting themselves without furloughs to be deemed deserters.

Adjutant not to be absent without leave.

Serjeant major to act as adjutant in his absence.

Method of proceeding when information is received of the residence of a militia man, not joining at the annual exercise, etc.

offender, and in conveying him before some justice of the peace of the county, riding, or place wherein such offender shall be apprehended; and if, by his confession, or the testimony of any witness or witnesses upon oath, or the knowledge of such justices it shall appear or be found that such person is guilty of such offence, such adjutant or serjeant major shall order a party of the serjeants, corporals, or drummers under his command, to convey such offender to the head quarters of the regiment or battalion of militia of the next county, riding, or place, in the way to the county, riding, or place to which such offender belongs, and deliver him into the custody of the adjutant or serjeant major of such regiment or battalion, who shall cause him to be conveyed in like manner to the adjutant or serjeant major of the regiment or battalion of the next county, riding, or place, and so in like manner, until such offender shall be delivered into the custody of the adjutant or serjeant major of the regiment or battalion to which he belongs, who shall take him before a justice of the peace, to be dealt with as this act directs in cases of militia men deserting or absenting themselves from their duty; and from the time of his being so apprehended as aforesaid, until he is brought before such justice of the peace as aforesaid, such offender shall be subsisted at the rate of sixpence *per* day, from the stocks of the county, riding, or place to which such regiment, battalion, or company belongs, for which subsistence such justice is hereby required to make an order upon the treasurer of the county, riding, or place: and if any serjeant, corporal, or drummer, shall desert from the regiment or battalion to which he belongs, it shall be lawful for any headborough, constable, or other officer, of the town or place where any person who may be reasonably suspected to be such deserter shall be found, to cause such person to be apprehended, and taken before any justice of the peace living in or near to such town or place, who is hereby impowered to examine such suspected person; and if, by his confession, or the testimony of any witness or witnesses upon oath, or by the knowledge of such justice, it shall appear or be found that such suspected person is such deserter, such justice shall forthwith cause him to be conveyed to the common gaol of the county or place where he shall be found, or the house of correction, or other publick prison, in the town or place in or near to which such deserter shall be apprehended, there to remain until he shall be demanded by some person or persons authorised to receive him as herein-after directed, and shall transmit an account thereof to the clerk of the general meetings of the county, riding, or place, to which such deserter belongs; and the keeper of such gaol, house of correction, or prison, shall receive the full subsistence of such deserter, for his maintenance, during the time he shall continue in his custody, but shall not be intitled to any fee or reward on account of his imprisonment; and such clerk of the general meetings receiving such account shall immediately transmit a copy thereof to the colonel or commanding officer of the regiment or battalion of his

Method of proceeding when serjeants, &c. desert.

his county or riding, and also to the adjutant, or other officer commanding the serjeants, corporals, and drummers, of such regiment or battalion, and where there are more than one regiment or battalion, such clerk shall send such copy to all the colonels or other commanding officers of regiments and battalions, and also to all the adjutants, or officers commanding serjeants, corporals, and drummers, within his county or riding; and the colonel, or commanding officer of the regiment or battalion to which such deserter shall be found to belong, or the adjutant, or officer commanding the serjeants, corporals, and drummers of such regiment or battalion, shall, and he is hereby required, immediately on receiving such copy as aforesaid, to send any serjeant, corporal, or drummer, or any party of the serjeants, corporals, or drummers of his regiment or battalion, to the place where such deserter shall be so confined, and shall also send, by such serjeant, corporal, or drummer, or the serjeant commanding such party of serjeants, corporals, or drummers, an order, under his hand and seal, to the keeper of the said gaol, house of correction, or prison, requiring him to deliver such deserter to the person or persons therein named, which he is hereby required to do; and the serjeant, corporal, or drummer, to whom such deserter shall be so ordered to be delivered, in case one only shall be sent on such duty, shall apply to the adjutant or serjeant major of the regiment or battalion of the county, riding, or place, where such deserter shall be so confined as aforesaid, and such adjutant or serjeant major shall order a sufficient party of the serjeants, corporals, or drummers, under his command, to assist in conveying such deserter, and he shall be conveyed to the adjutant or serjeant major of the regiment or battalion to which he belongs, in the same manner as before directed with respect to the conveying of private militia men to the adjutant or serjeant major of the regiment or battalion to which they belong; and such adjutant or serjeant major shall take such deserter before a justice of the peace of the county, riding, or place to which he belongs, who shall forthwith cause him to be conveyed to the common gaol, house of correction, or other publick prison of such county, riding, or place, where he shall remain, without bail or mainprize, until the regiment or battalion to which he belongs shall be embodied for annual exercise or for actual service, (which shall first happen); and the colonel or commanding officer of such regiment or battalion shall then issue an order, under his hand and seal, to the keeper of the gaol, house of correction, or prison, where such deserter shall be confined, requiring him to deliver such deserter to the person or persons therein named, which he is hereby required to do; and such colonel or commanding officer is hereby impowered and required to summon and hold a court-martial for the trial of such deserter, in such manner, and with the same power and authority, as shall be given and directed by any act of parliament which shall be then in force for punishing mutiny and desertion, and for the better payment of the army and their quarters; and if upon any such

Deserters may
be tried by a
court martial,
etc.

such trial such deserter shall be found guilty, it shall be lawful to punish such deserter in such manner as such court martial shall, in their discretion, think fit, according to the powers and provisions of such act, and of the articles of war, but so that no such punishment shall extend to the loss of life or limb; and all gaolers and keepers of prisons shall (if required so to do by any serjeant, corporal, or drummer, employed in conveying any such militia man, or serjeant, corporal, or drummer, so offending, to the regiment or battalion to which he belongs as aforesaid) receive into their custody, and confine such offender for such time as they shall be respectively so required as aforesaid, not exceeding twenty four hours; and every such gaoler or keeper of any prison, who shall refuse so to do, shall forfeit the sum of twenty shillings; and all such serjeants, corporals, and drummers, while they are employed in executing such duty as aforesaid, shall be billeted in like manner as serjeants, corporals, or drummers belonging to his Majesty's other forces, employed in apprehending and conveying deserters, are to be billeted.

Gaolers refusing to receive deserters, to forfeit 20s.
Serjeants employed in apprehending, etc. deserters, to be billeted.
Persons apprehending deserters to be paid 20s.

XCIII. And be it further enacted, That the justice of the peace, before whom any deserter shall be convicted, shall and may issue his warrant to the clerk of the regiment or battalion to which such deserter shall belong, or (where there is no clerk) to the commanding officer, requiring such clerk, or such commanding officer, to pay, out of the stock of such regiment or battalion, the sum of twenty shillings to the person who shall have apprehended such deserter; and such clerk or commanding officer is hereby authorized and required to pay the same accordingly upon demand.

XCIV. And be it further enacted, That if any person shall harbour, conceal, or assist any deserter, knowing him to be such, the person so offending shall forfeit, for every such offence, the sum of five pounds.

Persons concealing, etc. deserters, to forfeit 5l.

His Majesty may order the militia to be embodied in cases of invasion, etc. and commanded by general officers, &c.

XCIV. And be it further enacted, That in all cases of actual invasion, or upon imminent danger thereof, and in all cases of rebellion or insurrection, it shall be lawful for his Majesty (the occasion being first communicated to parliament, if the parliament shall be then sitting, or declared in council, and notified by proclamation, if no parliament shall be then sitting or in being) to order and direct the lieutenants of the said several counties, ridings, and places, or on the death or removal, or in the absence from their respective counties, ridings, or places, of any of them, then any three or more deputy lieutenants, with all convenient speed, to draw out and embody all the regiments, battalions, and independent companies of militia within their respective counties, ridings, and places, herein-before appointed to be raised and trained, or so many of them as his Majesty shall in his wisdom judge necessary, and in such manner as shall be best adapted to the circumstances of the danger, and to put the said forces under the command of such general officers as his Majesty shall be pleased to appoint, and to direct the said forces to be led by their respective officers into any parts of this kingdom

dom, for the repelling and prevention of any fuch invafion, and for the fuppreffion of any rebellion or infurrection within this realm of *Great Britain*; and the officers, non-commissioned officers, drummers, and private men of the feveral regiments, battalions, and independent companies of the militia, fhall from the time of their being drawn out and embodied as aforefaid, and until they fhall be returned again, by his Majefty's orders, to their refpective parifhes or places of abode, remain under the command of fuch general officers, and during fuch time as aforefaid all the provifions contained in any act of parliament which fhall be then in force for punifhing mutiny and defertion, and for the better payment of the army and their quarters, fhall be in force with refpect to the militia, and fhall extend to all the officers, non-commissioned officers, drummers, and private men of the militia, in all cafes whatfoever.

While embodied to be fubject to the articles of war, etc.

XCVI. Provided always, and be it further enacted, That neither the whole, or any part of the militia directed by this act to be raifed and maintained, fhall on any account be carried, or ordered to go out of *Great Britain*.

Not to be ordered out of *Great Britain*.

XCVII. And be it further enacted, That whenever his Majefty fhall caufe the militia to be drawn out and embodied as aforefaid, if the parliament fhall then be feparated by fuch adjournment or prorogation as will not expire within fourteen days, his Majefty may and fhall iffue a proclamation for the meeting of the parliament within fourteen days, and the parliament fhall accordingly meet and fit upon fuch day as fhall be appointed by fuch proclamation, and continue to fit and act, in like manner, to all intents and purpofes, as if it had flood adjourned or prorogued to the fame day.

When the militia is called out, his Majefty may iffue a proclamation, for the meeting of parliament in 14 days.

XCVIII. And be it further enacted, That the lieutenant of every county, riding, and place, or (on the death or removal of any fuch lieutenant, or in his abfence from his county, riding, or place) any three or more deputy lieutenants, to whom any fuch order as aforefaid from his Majefty fhall be directed, fhall iffue his or their order to the chief conftables, or other officers, of the feveral hundreds, rapes, laths, wapentakes, or other divifions, within their refpective counties, ridings, and places, with directions to forward the fame immediately to the conftables, tythingmen, headboroughs, or other officers, of the feveral parifhes, tythings, and places, within their refpective hundreds, rapes, laths, wapentakes, and divifions, and fuch conftables, tythingmen, headboroughs, or other officers, are hereby required, upon receipt thereof, forthwith to caufe notice in writing to be given to the feveral militia men, or left at their ufual places of abode, within their refpective parifhes, tythings, or places, to attend at the time and place mentioned in fuch order; and if any militia man fo ordered to be drawn out and embodied as aforefaid (not labouring under any infirmity incapacitating him to ferve as a militia man) fhall not appear and march in purfuaunce of fuch order, every fuch militia man fhall be liable to be apprehended, and punifhed as a deferter, according

When the militia is ordered to be called out, the county lieutenant, etc. to iffue orders accordingly.

ording to the provisions of any act which shall be then in force for punishing mutiny and desertion, and for the better payment of the army and their quarters; and if any person shall harbour or conceal any militia man when ordered out into actual service, knowing him to be a militia man, every such person shall, for every such offence, forfeit and pay the sum of five pounds.

Militia officers not to sit on the trial of officers of the other forces.

XCIX. And be it further enacted, That no officer serving in the militia shall sit in any court martial, upon the trial of any officer or soldier serving in any of his Majesty's other forces; nor shall any officer serving in any of his Majesty's other forces sit in any court martial, upon the trial of any officer or private man serving in the militia.

An agent may be appointed by the colonel, from whom he is to take security.

C. And be it further enacted, That when any regiment, battalion, or independent company of militia shall be drawn out into actual service, and during the time they shall continue in actual service, the colonel, or (where there is no colonel) the commanding officer thereof, shall and may appoint an agent to such regiment, battalion, or independent company, and shall take security from such agent; and such colonel, or (where there is no colonel) the commanding officer, shall be and is hereby made subject and liable to make good all deficiencies that may happen, from the said agent or from himself, upon account of the pay, clothing, or publick stock of such regiment, battalion, or independent company.

When the militia is ordered out, the receiver general of the land tax to pay one guinea for the use of each man.

CI. And be it further enacted, That when the militia of any county, riding, or place shall be ordered out into actual service, the receiver general of the land tax for such county, riding, or place shall and is hereby required forthwith to pay, to the captain or other commanding officer of every company of militia so ordered out, the sum of one guinea, for the use of every private militia man belonging to his company; and the said receiver general shall also pay to every captain or other commanding officer of a company as aforesaid the sum of one guinea for every recruit, as early as may be after such recruit shall have joined his company, while out in actual service as aforesaid (all which money so paid by the said receiver general, shall be allowed him in his account), and the money so received by any captain or other commanding officer (or so much thereof as such captain or commanding officer shall think proper, shall be laid out in the manner he shall think most advantageous for the respective militia men; and such captain or commanding officer shall, before any militia man of his company receives his discharge, account to such militia man how the said sum of one guinea hath been applied and disposed of, and shall pay the remainder of the mone (if any) to the said militia man.

Captains to account with the men for the same.

Bounties to be paid when the terms of service are prolonged.

CII. Provided always, and be it further enacted, That in case the term of service of any person so ballotted and inrolled for any regiment of militia shall be prolonged, as aforesaid, beyond the term of five years, then and in such case the receiver general of the land tax for the county, riding, or place, to which such militia man shall belong, shall, and he is hereby required forthwith to pay to the captain, or other commanding officer of each

each company refpectively, the fum of one guinea for every perfon whofe term of fervice fhall be fo prolonged; and in cafe fuch term fhall be prolonged for more than three years, then at the expiration of three years he fhall pay the like further fum of one guinea for every perfon whofe term fhall be fo further prolonged; and fhall in like manner, at the expiration of every additional term of three years, pay the like further fum of one guinea (all which money fo paid by the receiver general fhall be allowed him in his account); and the money fo received by any captain or commanding officer (or fo much thereof as fuch captain or commanding officer fhall think proper) fhall be laid out in the manner he fhall think moft advantageous for each refpective militia man; and fuch captain or commanding officer fhall, from time to time, account to fuch militia man how the faid fum or fums have been applied and difpofed of, and fhall, before any fuch militia man receives his difcharge, pay over to him the remainder of the faid money, if any, which fhall not have been fo applied, difpofed of, and accounted for.

CIII. And be it further enacted, That, from the date of his Majesty's warrant for drawing the militia out into actual fervice, the officers and private men of the militia fhall be entitled to the fame pay, as the officers and private men of his Majesty's other regiments of foot receive, and no other; and if any non-com-miffioned officer or private man of the militia fhall be maimed or wounded in actual fervice, he fhall be equally entitled to the benefit of *Chelfea Hospital* with any non-com-miffioned officer or private man belonging to any of his Majesty's other forces.

Militia embodied, entitled to the fame pay as the other forces. Non-com-miffioned officers, etc. maimed in fervice, entitled to the benefit of *Chelfea Hospital*. Militia, when difembodied, to be liable only to the orders they were before drawn out.

CIV. And be it further enacted, That when the militia, or any part thereof, having been fo drawn out into actual fervice as aforefaid, fhall be again duly difembodied, and the officers and private men thereof difmiffed to return to their feveral places of abode, the officers, non-com-miffioned officers, drummers, and private men, fhall be fubject to the fame orders, directions, and engagements only as they were fubject to under the provifions of this act before they were fo drawn out into actual fervice as aforefaid.

CV. And be it further enacted, That all the powers given, and provifions made by this act, with refpect to the county of *Northumberland*, and the militia thereof, fhall extend to the town of *Berwick upon Tweed*, and the liberties thereof (except only in fuch cafes where by this act it is otherwife exprefly provided for); and that out of the perfons returned in the lifts for the faid town of *Berwick upon Tweed*, a number of private militia men fhall be chofen by ballot to ferve for the faid town, in the fame proportion with the private militia men appointed to ferve for the other hundreds, wards, and other divifions within the faid county of *Northumberland*; and if perfons can be found within the faid town and liberties thereof, with fuch qualifications as are required for deputy lieutenants and officers, within cities and towns which are counties of themfelves, the chief magiftrate of the faid town of *Berwick upon Tweed* fhall appoint five deputy lieutenants, and fuch number of officers of the militia,

The powers, etc. given to *Northumberland*, to extend to *Berwick upon Tweed*, etc. and their militia to join that of *Northumberland*.

as fhall be proportional to the number of militia men which the faid town fhall raife as their quota, towards the militia of the county of *Northumberland*; and the lieutenant of the faid county, and deputy lieutenants, and all other officers and perfons acting in the execution of this act, for raifing and training the militia within the faid county, are hereby authorized and required to put this act into execution within the faid town, and the liberties thereof, but fubject nevertheless to fuch penalties as are inflicted upon deputy lieutenants and other officers of the militia for acting not being duly qualified; and that the militia men to be chofen for the faid town fhall join the militia of the county of *Northumberland*, and be exercifed together, and fhall then, and alfo in time of actual fervice, be deemed part of the militia of the county of *Northumberland*.

Governor of the Ifle of Wight to appoint the officers, etc. for that militia, etc. who are to be qualified like thofe for Wales.

CVI. *And whereas the ordering the militia in the Ifle of Wight has always been in the governor or lieutenant governor of the faid ifland*, be it enacted, That after the number of perfons which the faid ifland is to furnifh to the militia of the county of *Southampton* fhall have been appointed, as by this act is directed, by his Majefty's lieutenant and the deputy lieutenants, or by the deputy lieutenants of the faid county at large, the governor of the faid ifland fhall appoint the officers of the militia to be raifed in the faid ifland, and fhall and is hereby impowered and required to act in the execution of this act, in the fame manner as his Majefty's lieutenants of counties are hereby impowered and required to act, and fhall appoint five or more deputies to act with him in and for the faid ifland; which deputies and officers of the militia fhall be qualified in the fame manner, and are hereby empowered and required to act in the execution of this act in the fame manner, and under the fame directions, provifions, and penalties, as deputy lieutenants and officers of the militia, in the feveral counties within the dominion of *Wales*, are by this act fubject to; and the militia of the faid ifland fhall be raifed in the fame manner as the militia of the county of *Southampton*, and fhall be deemed a part of the militia of the faid county; and after the fame fhall be fo raifed, the faid governor, lieutenant governor, and deputies, fhall order and direct the training and exercifing the faid militia within the faid ifland, in the fame manner as his Majefty's lieutenants and the deputy lieutenants are by this act authorized and directed to do in any county within that part of *Great Britain* called *England*; and the militia fo raifed within the faid ifland fhall be continued and remain within the faid ifland as an internal defence thereof, unless his Majefty fhall otherwife order and direct.

To be raifed as, and deemed a part of, the *Southampton* militia;

to continue in the ifland, unless otherwife ordered by his Majefty.

Craike to be deemed part of the North riding of *Yorkshire*; *Maker* of *Cornwall*;

CVII. And be it further enacted, That for the feveral purpofes of this act, the conftabulary of *Craike*, which is a parcel of the county of *Durham*, furrounded by part of the north riding of the county of *York*, fhall be deemed to be fuate within, and part of the faid north riding; and that that part of the parifh of *Maker*, which lies in the county of *Cornwall*, fhall be deemed to be fuate within and part of the county of *Cornwall*; and that

that the town and pariſh of *Wokingham* ſhall be deemed to be ſituate within, and part of the county of *Berks*; and that the townſhip of *Filey* ſhall be deemed to be ſituate within and part of the eaſt riding of the county of *York*; and that *Threapwood* ſhall be deemed to be ſituate within, and part of the pariſh of *Wortbenbury*, in the county of *Flint*; and that the pariſh of *Saint Martin*, called *Stamford Baron*, in the ſuburbs of the borough and town of *Stamford*, on the ſouth ſide of the waters called *Welland*, ſhall be deemed to be ſituate within, and part of the county of *Lincoln*.

Wokingham of Berks; Filey of the Eaſt riding of Yorkſhire; Threapwood of Flint; and Stamford Baron of Lincolnſhire;

CVIII. And be it further enacted, That the ſeveral towns and places herein-before mentioned, and deemed to be ſituate within, and part of the ſeveral counties, ridings, and places aforeſaid, for the purpoſes of this act, ſhall be ſubject to the juriſdiction and authority of the lieutenants, deputy lieutenants, juſtices of the peace, and other officers of the reſpective counties, ridings, and places, within which ſuch towns and places are hereby deemed to be ſituate; any law, uſage, or custom to the contrary notwithstanding.

and to be ſubject to the authority of the lieutenants, etc. of thoſe counties.

CIX. Provided always, and be it further enacted, That nothing in this act contained ſhall extend to the tanners in the counties of *Devon* and *Cornwall*; but that the warden of the ſtannaries, in purſuance of his Majeſty's commiſſion in that behalf, and ſuch as he ſhall commiſſionate and authoriſe under him, ſhall have and uſe the like powers, and array, aſſeſs, arm, muſter, and exerciſe the ſaid tanners within the ſaid counties, or either of them, as hath been heretofore uſed, and according to the ancient privileges and customs of the ſaid ſtannaries.

Warden of the ſtannaries to continue to array, etc. the tanners of Devon and Cornwall.

CX. And be it further enacted, That the ſeveral lieutenants who are or ſhall be commiſſioned for the militia of the city of *London*, ſhall continue to liſt and levy the train bands and auxiliaries of the ſaid city, in manner as heretofore.

The lieutenants for London to continue to liſt the train bands.

CXI. And whereas the militia of the Tower diſviſion, in the county of *Middleſex*, commonly known by the name of The Tower Hamlets, is, and always has been, under the command of his Majeſty's conſtable of the Tower, or lieutenant of the Tower Hamlets, for the ſervice and preſervation of that royal fort; be it therefore enacted, That it ſhall be lawful for the ſaid conſtable or lieutenant, from time to time, to appoint his deputy lieutenants, and to give commiſſions to a proper number of officers to train and diſcipline the militia, to be raiſed within and for the ſaid diſviſion or hamlets, purſuant to an act of the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for ordering the forces in the ſeveral counties of this kingdom*, and to form the ſame into two regiments, of eight companies each, in ſuch manner as the ſaid conſtable or lieutenant hath uſed to do; and for defraying the neceſſary charges of trophies, and other incident expences of the militia of the ſame diſviſion or hamlets, it ſhall be lawful for the ſaid conſtable or lieutenant to continue to raiſe, in every year, the proportion of a fourth part of one month's aſſeſſment of trophy money within the ſaid diſviſion

The conſtable of the tower to appoint deputy lieutenants, etc. for the Tower Hamlets, according to act 13 and 14 Car. 2. c. 3.

vifion or hamlets, in fuch manner as he hath ufed to do, by virtue and in purfuanee of the faid act of the thirteenth and fourteenth years of the reign of King *Charles* the Second.

Deputy lieutenants to act when the lieutenant of the hamlets is out of the kingdom.

CXII. And be it further enacted, That when and fo often as the lieutenant of the faid *Tower Hamlets* fhall be out of the kingdom, it fhall and may be lawful to and for the deputy lieutenants of the faid hamlets for the time being, or the major part of them, affembled at a publick meeting to be called for that purpofe, to do all acts, matters, and things, relating to the faid militia, of the faid hamlets, which might lawfully have been done by the faid lieutenant, and the fame fhall be good and valid in law, as if done by the faid lieutenant; and that no commiffion, warrant, or appointment, granted or made to any deputy lieutenant, or other perfon, of, for, or concerning the militia of the faid *Tower Hamlets*, fhall be vacated or become void by reafon of the death or removal of fuch lieutenant of the faid *Tower Hamlets*.

Commissions not to be vacated by death of the lieutenant.

Conftable to appoint a treafurer of the trophy money, who is to account for the fame yearly, etc. No trophy money for a fucceeding year to be levied, till the account of the former year has been allowed.

CXIII. And be it further enacted, That the faid conftable of the *Tower*, or lieutenant of the *Tower Hamlets*, fhall appoint a treafurer of the faid trophy money, for receiving and paying fuch monies as fhall be levied by virtue of the faid act of the thirteenth and fourteenth years of the reign of King *Charles* the Second; which faid treafurer fhall yearly account, in writing, and upon oath, for the fame to the faid conftable or lieutenant, or his deputy lieutenants, or any three or more of them, and which accounts for the fame fhall be certified to the juftices of the peace for the faid divifion or hamlets, at their next general or quarter feflions; and that the faid conftable or lieutenant fhall not iffue out warrants for raifing any trophy money, until the juftices of the peace, or the major part of them, at fuch feflions, fhall have examined, ftated, and allowed the accounts of the trophy money raifed, levied, and collected for the preceding year, and certified the fame under the hands and feals of four or more of fuch juftices, unlefs in cafes where it fhall appear to fuch juftices that, by reafon of the death of fuch treafurer, or otherwife, fuch accounts cannot be paffed.

Warden of the cinque ports, etc. may act as lieutenants, etc. of counties may do. Militia of the ports to remain feparate from the militia of the counties, and may be called out notwithstanding the pay advanced may not have been reimbursed, etc.

CXIV. And be it further enacted, That the warden of the cinque ports, two ancient towns, and their members, and in his abfence his lieutenant or lieutenants, fhall put in execution, within the faid ports, towns, and members, all the powers and authorities given and granted by this act, in like manner as lieutenants of counties, and their deputy lieutenants, may do, and fhall keep up and continue the ufual number of foldiers in the faid ports, towns, and members, unlefs he or they find caufe to leffen the fame; and the militia of the faid ports, towns, and members, fhall remain feparate from the militia of the feveral counties within which the faid ports, towns, and members are fituat; and it fhall be lawful for the faid warden, or his lieutenant or lieutenants, in purfuanee of orders from his Majesty, in the manner prefcribed by the faid act of the thirteenth and fourteenth years of King *Charles* the Second, notwithstanding

withstanding one or more months pay advanced be not reimbursed, to raise and draw out the soldiers into actual service, and to cause the persons charged as by the said act, to provide their soldiers with pay in hand, not exceeding one month's pay, in such manner as if all the pay advanced and provided had been reimbursed, and to use the like powers, and to array, assess, and arm, muster, and exercise, the said soldiers, and to make assessments, and issue warrants for the assessments made, or to be made, for raising any trophy money, and for defraying the necessary charges of trophies, and other incident expences of the militia of the said ports, towns, and members, as hath been heretofore used, and according to their ancient privileges and customs, any thing in the said act, or this act, to the contrary notwithstanding.

CXV. *And whereas, for the different rapes in the counties of Sussex and East Kent, there are no peace officers who can act officially for such rapes: and whereas the rapes in the said counties are the most convenient districts to be appointed as the subdivisions for the deputy lieutenants to execute the several purposes directed by this act, and do contain within their boundaries several hundreds, to each of which there is a peace officer belonging: and whereas the boroughs and tythings over which there are headboroughs, tythingmen, or other peace officers, are uncertain in their boundaries, and often include parts of various parishes, from which great inconveniences arise, both in balloting for the men to be drawn by lot for the service of the said militia, and also in the payment of the money directed to be paid by the parishes to those who may be allotted to serve: and whereas it would be more expedient that the balloting for men to serve in the said militia for the counties of Sussex and Kent should be by the division of parishes, to which division there are no peace officers: be it therefore enacted by the authority aforesaid, That from and after the last Tuesday in October next, his said Majesty's lieutenant; or on his death or removal, or on his absence, any three or more deputy lieutenants of the counties of *Sussex* and *Kent* respectively, shall and may issue out his or their orders to the chief constable of the several hundreds, in the rapes in the said counties where their subdivisions may have been or may be appointed, directing such chief constables to issue their precepts to the churchwardens or overseers of the poor of each parish within their respective hundreds or other divisions, to return to the deputy lieutenants within their respective subdivisions, at the place and on the days by them directed, fair and true lists, in writing, of the names of all the men usually dwelling within their respective parishes, between the ages of eighteen and forty-five, distinguishing their respective ranks and occupations, and for such several other purposes as are by this act directed to be done and performed by the constables, tythingmen, headborough, or other officer of each parish, tything, or place, within their respective hundreds or other divisions; and that the churchwardens and overseers of the poor of the several parishes in the said counties to whom such orders shall be issued, shall,*

Churchwardens and overseers in Kent and Sussex, to make returns of men liable to serve, &c. and to have the authority hereby granted to constables in other places, &c.

for the purpofes of this act, be deemed the officers of fuch parifh, and fhall be invefted with all the powers and authorities, and be liable to the feveral pains, penalties, and forfeitures, as the conftable, tythingman, headborough, or other officer of any parifh, tything, or place, are fubject and liable to, for or upon account of his refufing or neglecting to return fuch lifts as aforefaid, or being guilty of fraud or wilful partiality, in making thereof, or not attending the orders iflued by his Majefty's lieutenant, or any three deputy lieutenants, refpectively, or for the feveral other offences in the faid recited act, or in the pre- fent act contained.

CXVI. *And whereas it may happen, through neglect or otherwife, that in fome county or place the militia may not be raifed, according to the directions of this act; and it is juft and reasonable that all his Majefty's fubjects fhould contribute equally toward the expence of raifing and fupporting a militia for the defence of the kingdom; be it therefore* further enacted, That the lieutenant, or any three deputy lieutenants, of every county, riding, and place, where the militia fhall be raifed, according to the directions of this act, fhall, on or before the twenty-fifth day of *December*, in every year, tranfmit a certificate to the clerk of the peace, containing an account of the names, number, and rank of the officers, and the number of private men of the militia, in that year, and the time during which fuch militia hath been trained and exercifed; and every fuch elerk of the peace fhall deliver fuch certificate to the juftices of the peace, at their general quarter feflion to be held next after the twenty-fifth day of *December*, in every year, on the day on which fuch feflion fhall be opened; and the fame fhall be filed amongft the records of fuch feflion; but where no fuch certificate fhall be received by the clerk of the peace as aforefaid, he fhall certify the fame under his hand and feal to the juftices fo afsembled, and fuch certificate of the faid clerk of the peace fhall be filed by him amongft the records of fuch feflion.

Certified re- turns of the militia to be annually fent to the clerks of the peace to be filed.

Where no fuch return is received, the fame is to be certified by the clerk of the peace.

3l. per man for the num- ber to be raifed, to be affef- fed annually on places from whence no fuch re- turns are fent.

CXVII. And be it further enacted, That in every county and place where no fuch certificate fhall be tranfmitted to the clerk of the peace as aforefaid, the fum of five pounds fhall be annually paid for and in lieu of every private militia man by this act directed to be raifed within the fame county or place; and the juftices of the peace fhall and are hereby required, at their faid general quarter feflion, to rate and affefs the fum of five pounds *per man* as aforefaid upon every fuch county or place, in fuch manner, and according to fuch and the fame proportions, upon every town, parifh, and divifion within fuch county or place, and the fame fhall be levied, collected, received, paid, and accounted for in fuch manner, and by fuch ways and means, and with fuch powers of diftreis, and other remedies for enforcing the collection and payment thereof, and for punifhing all perfons whofe duty it fhall be to collect or account for the fame, who fhall make default therein, as are directed with refpect to county rates by an act made

made in the twelfth year of the reign of his late Majesty, intituled, *An act for the easy assessing, collecting, and levying of county rates*, or by any other act or acts of parliament: provided always, That no person residing or having an estate within any such county or place, who shall have served as an officer in any body of militia raised within this kingdom for the space of four years, or who shall be then actually serving as an officer in the militia, shall be liable to pay any part or share of such rate or assessment to be made as aforesaid, provided such person shall have delivered a certificate of such service to the clerk of the peace for the county or place wherein he shall claim such exemption, and also a roll or list of his tenants, and the places of their abode; which certificate, and roll or list, shall be signed by such person, and every such clerk of the peace shall forthwith file such certificate, roll, and list, amongst the records of the quarter session; and whenever the said rate or assessment shall be ordered to be raised within such county or place, such clerk of the peace shall certify to the high constables of every such county or place the names of all persons whose certificate shall have been so filed, and who shall have claimed such exemption as aforesaid, and the names of their tenants, so inserted in such roll or list, and such high constables are hereby required to transmit such certificate, and roll or list, to the petty constable of every township or place wherein the lands, tenements, or hereditaments of such person claiming to be exempted are situate, in order that the same may not be assessed or charged to such rate or assessment.

No person who has served four years as an officer, to bear any part of the said assessment.

CXVIII. And be it further enacted, That in all cases where a certain number of militia men are directed to be raised for any county, together with any city or town being a county of itself, and the militia shall not be raised for such county and city, or town, the payment of the said sum of five pounds *per* man upon the whole number of militia men so directed to be raised as aforesaid shall be divided and apportioned between such county, and such city or town, in such proportion as the respective quotas paid to the land tax for such county, and city or town, respectively bear to each other, unless the apportionment of the number of such militia men shall actually have been made in pursuance of the lists directed to be returned by this act, in which case the said sum of five pounds *per* man shall be borne by such county, and by such city or town, in such proportions as the respective numbers of militia men, so apportioned to be raised by such county, and by such city or town, bear to each other.

How the assessment shall be apportioned between counties, and cities being counties of themselves.

CXIX. *And whereas there are several cities, towns, and places, which do not contribute to the payment of the said rate called The County Rate; and doubts may arise whether such cities, towns, and places can be legally rated or assessed towards the payment of the rate or assessment to be laid in pursuance of this act;* be it therefore enacted, That in all cases where the militia shall not be raised within any city, town, or place, not rated to the county rate,

Where there are no county rates, the as-

feffment to be
raifed as the
poor's rates
are.

the proportion of the faid fum of five pounds *per man*, to be borne by fuch city, town, or place, fhall be raifed, levied, and collected within fuch city, town, or place, by a feparate rate or affeffment, in like manner, by the churchwardens and overfeers of the poor, and by fuch and the like ways and means as the rates for the relief of the poor can or may be raifed, levied, and collected, and fuch churchwardens and overfeers of the poor fhall, from time to time, pay over the fame to the treafurer of the county with which fuch city, town or place fhall be joined or united for the purpofe of raifing the militia.

Where a town
lies in two
counties, the
money affeff-
ed to be paid
to the treafur-
er of the
county
wherein the
church ftands.

If the affeff-
ment for a
place where
there are no
county rates
be not paid, it
may be levied
by the juftices,

CXX. *And whereas there are fome towns which lie in two counties; and doubts may arife whether fuch towns are obliged to pay to both counties towards raifing the faid money;* be it therefore further enacted, That where any town lies in two counties, the proportion of the faid money to be paid for fuch town, in lieu of raifing the militia as aforefaid, fhall be paid to the treafurer of the county wherein the church of fuch town is fuate.

CXXI. And be it further enacted, That if any fum of money which ought to be paid by any city, town, or place, not rated to the county rate as aforefaid, fhall not be paid to the treafurer of the county or place as aforefaid, before the firft day of *June*, in every year, the juftices of the peace for fuch county or place fhall, at their next *Midfummer* quarter feffion, iffue out an order to the overfeers of the poor of every parifh or place within fuch city, town, or place, requiring fuch overfeers to certify and return to the faid juftices, at the next *Michaelmas* quarter feffion, the feveral quotas that every parifh or divifion within fuch city, town, or place, pays to the land tax for that year, and fuch overfeers of the poor are hereby required to make fuch certificate and return accordingly; and upon fuch certificate and return being made, the faid juftices fo affembled at their *Michaelmas* quarter feffion are hereby required (by their warrant directed to any conftable or tythingman of every fuch parifh and divifion) to caufe the fame to be levied by diftreff and fale of the goods and chattels of the churchwardens or overfeers of the poor of every fuch parifh and divifion, rendering the overplus (if any) to the owners of fuch goods and chattels, after fuch money, and the reasonable charges attending fuch diftreff and fale, fhall be fully paid and fatisfied; and all fuch churchwardens and overfeers of the poor fhall be reimbursed the money fo levied on them refpectively by the fame ways and means as overfeers of the poor are reimbursed the money by them expended for the relief of the poor, by the laws now in being.

Treasurer to
pay the affeff-
ment to the
receiver of
the land tax
for the coun-
ty.

CXXII. And be it further enacted, That the treafurer for every county or place, who fhall receive the faid fum of five pounds *per man* as aforefaid, or any part thereof, is hereby required to pay all the money he fhall fo receive to the receiver general of the land tax for fuch county or place, within one calendar month after he fhall receive the fame; and every receiver general of the land tax, to whom any fuch money fhall be paid, shall

shall give a receipt for fuch money to the perfon or perfons paying the fame, which receipt fhall be a fufficient difcharge for fuch payment; and that when the whole fum directed to be raifed in any county or place as aforefaid fhall be paid into the hands of the receiver general of the land tax, in purfuanee of this act, fuch payment fhall be a full difcharge and indemnification to fuch county or place for the failure or neglect in the raifing and training of the militia for the year in refpect whereof fuch payment fhall be made; and every fuch receiver general fhall, within ten days after the receipt of any fuch money, certify fuch receipt to the lord high treafurer or commissioners of his Majefty's treafury, and forthwith pay the fame into the receipt of his Majefty's exchequer at *Wefminfter*; and the money fo paid into the exchequer fhall be kept feparate and apart from all other money, and fhall be accounted for yearly to parliament, and difpofed of as parliament fhall direct, and no fee or gratuity whatfoever fhall be given or paid to any officer of the exchequer for or on account of receiving or iffuing any fuch money; and the high treafurer, or the commissioners of the treafury, is or are hereby authorized to allow to the receiver general of any fuch county or place, upon the clearing of his accounts, fuch falary or reward, for his pains and trouble in receiving and paying in fuch money, as the faid high treafurer or commissioners fhall think proper, not exceeding two-pence in the pound for fo much money as he fhall pay into the exchequer in purfuanee of this act.

Receiver general to certify the receipt thereof to the treafury, and pay the money into the exchequer.

A falary may be allowed the receiver.

CXXIII. Provided always, and be it further enacted, That the treafurer of every county or place, as a recompence for his pains and trouble in collecting, receiving, and paying the money to be raifed in every fuch county or place as aforefaid, fhall be allowed the fum of one penny in the pound upon the whole fum fo by him received and paid; which allowance every fuch treafurer is hereby authorized to detain in his hands out of the money fo received by him before payment made to the receiver general as aforefaid; and every high conftable, petty conftable, churchwarden, and overfeer of the poor, who fhall act in the raifing and collecting of the faid money, fhall refpectively be allowed and paid by fuch treafurer, as a recompence for their trouble therein, the fum of one penny in the pound of all fuch money, in the raifing and collecting whereof they fhall refpectively act as aforefaid; and fuch treafurer is hereby authorized and required to deduct the fame out of the money fo received by him as aforefaid, and to pay the refpective proportions thereof to fuch high conftables and other officers aforefaid.

County treafurer to detain 1d. per pound of the money he receives; and to pay a like fum to the high conftables, &c. on the money they are concerned in collecting.

CXXIV. And be it further enacted, That the clerk of the peace for every county or place fhall and is hereby required, within fourteen days next after the general quarter feffion of the peace to be held next after the twenty-fifth day of *December* yearly, to tranfmit to the lord high treafurer, or the commissioners of the treafury, and alfo to the receiver general of the land tax for fuch county or place, a copy, figned by fuch clerk

Clerks of the peace to tranfmit copies of certified returns to the treafury, etc.

of the peace, of every certificate which he ſhall have received from the lieutenant, or any three deputy lieutenants of ſuch county or place as aforeſaid; and where ſuch certificate ſhall be omitted to be delivered, the clerk of the peace ſhall certify ſuch omiſſion to the lord high treaſurer, or to the commiſſioners of the treaſury, and alſo to the receiver general of the land tax, and that ſuch clerk of the peace hath certified the ſame to the juſtices at ſuch general quarter ſeſſion, and required ſuch juſtices to proceed according to the directions of this act; and ſuch clerk of the peace ſhall alſo certify what proceedings have been had at ſuch general quarter ſeſſion, in relation to the aſſeſſing and raiſing the ſaid money, where the militia ſhall not have been raiſed; and in caſe ſuch juſtices ſhall omit, neglect, or reſuſe to proceed to raiſe the ſaid money according to the directions of this act, then the clerk of the peace of ſuch county or place ſhall, and he is hereby required, within fourteen days next after ſuch general quarter ſeſſion of the peace, to certify to the ſolicitor of the treaſury ſuch omiſſion, neglect, or reſuſal, of ſuch juſtices, and the names of the juſtices who ſhall be preſent at ſuch ſeſſion; and the ſolicitor of the treaſury is hereby required, on receipt of ſuch certificate, forthwith to proceed, by all ſuch legal ways and means as ſhall be moſt effectual and expeditious, to compel ſuch juſtices to pay due obedience to this act, and to cauſe the ſaid money to be raiſed, collected, and paid.

and to certify omiſſions of juſtices to the ſolicitor of the treaſury.

Solicitor of the treaſury to compel the levying of aſſeſſments.

CXXXV. And be it further enacted, That if the ſaid ſum of five pounds *per man*, to be raiſed and paid in any ſuch county or place as aforeſaid, ſhall not be levied, collected and paid into the exchequer, in manner herein before directed, the ſolicitor of the treaſury is hereby required forthwith, upon knowledge or information thereof, to proceed by all ſuch legal ways and means as ſhall be moſt effectual and expeditious, to compel the levying and collecting of ſuch money, and the payment thereof into the exchequer as aforeſaid.

Penalty on neglect of duty in clerks of the peace, receivers general, &c.

CXXXVI. And be it further enacted, That if any clerk of the peace ſhall reſuſe, or wilfully neglect to receive, deliver, file, make, record, or tranſmit any ſuch certificates, as aforeſaid, according to the directions and true meaning of this act, every ſuch clerk of the peace, ſo offending, ſhall, for every ſuch offence, forfeit and pay the ſum of one hundred pounds, and ſhall alſo forfeit his office, and be rendered incapable of having, receiving, or holding any office of truſt, civil or military, under the crown; and if any receiver general of the land tax, treaſurer, chief conſtable, petty conſtable, or other officer, who ought to act and aſſiſt in the raiſing and collecting of the ſaid money, ſhall wilfully omit, or neglect or reſuſe to act and aſſiſt therein according to the direction and true meaning of this act, every ſuch receiver general or treaſurer, ſo offending, ſhall for every ſuch offence forfeit and pay the ſum of two hundred pounds; and every ſuch chief conſtable, ſo offending, ſhall for every ſuch offence forfeit and pay the ſum of fifty pounds; and every ſuch petty conſtable and other officer, ſo offending, ſhall

for

for every ſuch offence forfeit and pay the ſum of twenty pounds; and the ſolicitor of the treasury ſhall and is hereby required, with all due diligence, to proſecute with effect all ſuch juſtices of the peace, receivers general of the land tax, treaſurers, and other officers, who ſhall omit, neglect, or reſuſe to perform the duty required of them reſpectively by this act, touching the raiſing, collecting, and paying of the ſaid money; and in caſe the ſolicitor of the treasury ſhall wilfully omit or delay to proceed againſt any ſuch juſtices of the peace, receivers general of the land tax, treaſurers, or other officers aforeſaid, he ſhall for every ſuch offence forfeit and pay the ſum of five hundred pounds.

CXXVII. And be it further enacted, That the provisions of an act paſſed in the twenty-fourth year of the reign of his late majeſty King George the Second, intituled, *An act for the rendering juſtices of the peace more ſafe in the execution of their office, and for indemnifying conſtables and others acting in obedience to their warrants*, ſhall extend to all his Majeſty's lieutenants, and to all deputy lieutenants acting in the execution of this act, or any other act relating to the militia, in like manner, and as fully and effectually as the ſame extend to juſtices of the peace acting in the execution of their office.

Proviſions of act 24 Geo. 2. c. 44, reſpect- ing juſtices, to extend to county lieutenants, etc.

CXXVIII. And be it further enacted, That the acceptance of a commiſſion in the militia ſhall not vacate the ſeat of any member returned to ſerve in parliament; and that no perſon being an officer of the militia ſhall be compelled to ſerve the office of ſheriff.

Commiſſions in militia not to vacate ſeats in parliament, nor officers liable to ſerve as ſheriffs.

CXXIX. Provided always, and be it enacted, That no officer of the militia, or private militia man, ſhall be liable to any penalty or puniſhment for or on account of his abſence during the time he ſhall be going to vote at any election of a member to ſerve in parliament, or during the time he ſhall be returning from ſuch election.

Voters not puniſhable for abſence while going to an election, &c.

CXXX. And be it further enacted, That no ſerjeant, corporal, or drummer of the militia, nor any private man, from the time of his enrolment, until he ſhall be regularly diſcharged from the militia, ſhall be compelled to ſerve as a peace officer or pariſh officer, or to perform any highway duty, commonly called *Statute-work*, or to ſerve in any of his Majeſty's ſea forces.

Militia men not liable to ſerve as peace officers, etc.

CXXXI. And be it further enacted, That every perſon having ſerved in the militia when drawn out into actual ſervice, being a married man, may ſet up and exerciſe any trade in any town or place within *Great Britain*, without any let, ſuit, or moleſtation, of or from any perſon or perſons whomſoever, for or by reaſon of uſing or exerciſing ſuch trade, as freely, and with the ſame proviſions, and under the ſame regulations, and with the like exception in reſpect to the two univerſities, as any mariner or ſoldier can or may do by virtue of an act, paſſed in the twenty-second year of his late Majeſty's reign, intituled, *An act to enable ſuch officers, mariners, and ſoldiers, as have been in his*

Married militia men may ſet up trades in any town, &c. as ſoldiers may under act 22 Geo. 2. c. 44.

Majesty's service fince his acceffion to the throne, to exercife trades; and no fuch militia man fhall be liable to be removed out of any fuch town or place, until he is become chargeable to the parifh.

How penalties are to be recovered, and how applied where not otherwife diftributed by this act.

CXXXII. And be it further enacted, That all fines, penalties, and forfeitures, by this act impofed, which fhall exceed the fum of twenty pounds, fhall be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminfter*, or the courts of great feflion in the principalities of *Wales*, or the courts of the counties palatine of *Chefter*, *Lancafter*, and *Durham* (as the cafe fhall require), wherein no effoin, privilege, protection, wager of law, or more than one imparlance, fhall be allowed; and that all fines, penalties, and forfeitures, by this act impofed, which fhall not exceed the fum of twenty pounds, fhall, on proof upon oath of the offence before any juftice of the peace of the county, riding, or place, where the offence fhall be committed, be levied by diftreff and fale of the offender's goods and chattels, by warrant under the hand and feal of fuch juftice, rendering the overplus (if any) on demand, after deducting the charges of fuch diftreff and fale, to the perfon whofe goods and chattels fhall have been fo diftrained and fold; and for want of fufficient diftreff fuch juftice is hereby required, in all cafes where no particular time of commitment is herein-before directed, to commit fuch offender to the common gaol of the county, riding, or place, where the offence fhall have been committed, for any time not exceeding three months, and the money arifing by all fuch fines, penalties, and forfeitures, the application whereof is not otherwife particularly directed by this act, fhall be paid to the clerks, or (where there are no clerks) to the commanding officers of the refpective regiments, battalions, or other bodies of militia of the refpective counties, ridings, or places, where fuch offences fhall have been refpectively committed, and fhall be made part of the publick ftock of fuch regiments, battalions, or other bodies of militia refpectively.

No order of county lieutenant, etc. to be removed by *Certiorari*.

CXXXIII. And be it further enacted, That no order or conviction made by any lieutenant of any county, riding, or place, or by any two or more deputy lieutenants, or by any one deputy lieutenant, together with any one juftice of the peace, or by any juftice or juftices of the peace, by virtue of this act, fhall be removed by *Certiorari* out of the county, riding, divifion, city, town, or place, wherein fuch order or conviction was made, into any court whatfoever; and that no writ of *Certiorari* fhall fuperfede execution or other proceedings, upon any fuch order or conviction fo made in purfuanee of this act, but that execution and other proceedings fhall be had and made thereupon; any fuch writ or writs, or allowance thereof, notwithstanding.

Limitation of actions.

CXXXIV. And be it further enacted, That if any action fhall be brought againft any perfon or perfons, for any thing done in purfuanee of this act, fuch action or fuit fhall be commenced

menced within six months next after the fact committed, and not afterwards, and shall be laid in the county or place where the cause of complaint did arise, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon: and if the jury shall find for the defendant or defendants in any such action or suit, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their action or suit, after the defendant or defendants shall have appeared; or if upon demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same, as any defendant hath in other cases to recover costs by law.

General issue.

Treble costs.

CXXXV. And be it further enacted and declared, That all former acts of parliament relating to the militia of this kingdom (except only such acts as relate to the militia of the city of London, the militia of the *Tower Hamlets*, and the militia of the *Cinque Ports*, and the two ancient towns, and their members) shall be, from the twenty-fourth day of *September*, one thousand seven hundred and eighty-six, and they are hereby repealed; and that the militia raised by virtue of such of the said former acts as are hereby repealed, shall be subject to the provisions and regulations contained in this act in like manner as the militia to be raised by virtue of this act are subjected thereto.

All former militia acts repealed, except those relating to London, etc.

CXXXVI. Provided always, and be it further enacted, That the repealing of the said acts shall not annul or in anywise effect any commission of lieutenancy, or any other commission already granted, by virtue or under the authority of the said former acts, or any of them, but that the several persons to whom such commissions have been granted shall and may act, in the execution of this act, in like manner as they might have acted in the execution of the said former acts, in case this act had not been made: provided nevertheless, That no person shall act in the execution of this act as deputy lieutenant, or as colonel, lieutenant colonel, major, or captain, by virtue of any commission already granted as aforesaid, unless he is qualified as herein-before is directed, and also unless he has delivered, or shall deliver in a certificate, containing a specifick description of his qualification, to the clerk of the peace, according to the directions of this act, any thing herein-before contained to the contrary notwithstanding: provided also, That all proceedings of general and subdivision meetings which have been held under and according to the former laws relating to the militia, shall be good, valid, and effectual; and such further subdivision meetings as have been ordered and directed by the last general meetings of the lieutenancy, within the respective counties, ridings, and places, shall be held according to such orders and directions, and shall be deemed to be subdivision meetings held pursuant to the directions herein-before contained.

But not to annul commissions already granted under them, where the parties are legally qualified, &c.

Proceedings of meetings held under former acts to be valid.

C A P.

C A P. CVIII.

An act for explaining, amending, and reducing into one act of parliament, the several acts passed for more effectually preventing the frauds and abuses committed in the admeasurement of coals within the city and liberty of Westminster, and that part of the dutchy of Lancaster adjoining thereto, and the several parishes of Saint Giles in the Fields, Saint Mary le Bon, and such part of the parish of Saint Andrew Holborn, as lies in the county of Middlesex.

Preamble.

19 Geo. 2.
c. 55.

WHEREAS, by an act passed in the nineteenth year of the reign of his late majesty King George the Second, intituled, An act more effectually to prevent the frauds and abuses committed in the admeasurement of coals within the city and liberty of Westminster, and that part of the dutchy of Lancaster adjoining thereto, and the several parishes of Saint Giles in the Fields, Saint Mary le Bon, and such part of the parish of Saint Andrew Holborn, as lies in the county of Middlesex, it was, amongst other things, enacted, That, from and after the twenty-fourth day of September, one thousand seven hundred and forty-six, there should be and continue within the city and liberty of Westminster, one publick office, which should be called by the name of The Land Coal-meters Office for the City and Liberty of Westminster; which said office should, from time to time, be managed by two persons, to be nominated and appointed by his Majesty, his heirs and successors, and should be called and known by the name of The Principal Land Coal-meters for the City and Liberty of Westminster; which act was to continue in force for three years, and to the end of the then next session of parliament: and whereas his said late Majesty did appoint Thomas Paulin merchant, and William Arnold fishmonger, to be principal coal-meters for the city and liberty of Westminster aforesaid, and afterwards, by his grant or letters patent under the great seal of Great Britain did grant unto the said Thomas Paulin and William Arnold, the said land coal-meters office for the city and liberty of Westminster, to have and to hold the said office unto them the said Thomas Paulin and William Arnold jointly and severally, together with all powers, privileges, advantages, and emoluments thereunto belonging, and as are granted in and by the said recited act for and during his Majesty's royal will and pleasure: and whereas the said office of principal coal-meters hath been held, from time to time, by persons appointed thereto by his said late Majesty and his present Majesty, and John Paulin and John Arbuthnot are now the principal land coal-meters for the city and liberty of Westminster, and other places aforesaid, and such office hath been granted to them, the said John Paulin and John Arbuthnot, by his said present Majesty, by his letters patent under the great seal of Great Britain; and whereas the said recited act of the nineteenth year of the reign of his said late Majesty, was continued by several subsequent acts, passed in the twenty-third, twenty-fourth, thirty-first, and thirty-second years of the same reign, and was amended by the last of such acts; and, by an act passed in the

sixth year of the reign of his present Majesty, was, subject to such amendments, further continued, and was also explained and further amended; and, by an act passed in the twenty-first year of the reign of his said present Majesty, the said former acts were further continued until the twenty-fourth day of June, which will be in the year of our Lord one thousand seven hundred and ninety-five, and from thence to the end of the then next session of parliament, and a further amendment was made with respect to some of the provisions contained in the said act of the twenty-third year of his said late Majesty: and whereas the said acts have been found useful and beneficial, but they might be rendered much more so if the same were further explained and amended, and proper provisions made for obviating mischiefs and abuses which were not foreseen nor sufficiently provided against; and the said acts would more effectually answer the purposes thereby intended, and might be more easily understood and better executed, if the same were comprized in one act of parliament: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, from and after the twenty-fourth day of July, one thousand seven hundred and eighty-six, there shall be provided and continued, within the city and liberty of Westminster, one publick office, which shall be called by the name of *The Land Coal-meters Office for the City and Liberty of Westminster*, and shall be managed by the said *John Paulin* and *John Arbutnot*, or in case of their death or removal, by such other two persons as shall, from time to time, be nominated and appointed by his Majesty, his heirs and successors: which said *John Paulin* and *John Arbutnot*, or such other two persons so to be nominated and appointed as aforesaid, shall be called and known by the title of *The Principal Land Coal-meters for the City and Liberty of Westminster*; and such office shall, during the continuance of this act, be kept open every day (*Sundays* excepted) from the twenty-fifth day of *March* to the twenty-ninth day of *September*, yearly, from the hour of five in the morning till nine in the evening, and from the twenty-ninth day of *September* to the twenty-fifth day of *March*, yearly, from the hour of six in the morning till six in the evening.

II. And it is hereby enacted and declared by the authority aforesaid, That, in all cases where any justice or justices of the peace is or are by this act authorized to examine any person or persons on oath or affirmation, it shall be lawful for such justices respectively to administer such oath, and take such affirmation.

III. And be it further enacted by the authority aforesaid, That no person or persons, who shall hereafter be appointed one of the principal land coal-meters, shall be capable of acting as such until he or they shall, before two or more of his Majesty's justices of the peace for the said city and liberty of *Westminster* (who

21 Geo. 3. c.
34, continuing
former acts to
June 24, 1795.

Land coal-meters office to be provided in Westminster.

Their title.

Office hours.

Justices to administer oaths, &c.

Principals to be sworn.

Anno vicefimo fexto GEORGII III. c. 108. [1786.
 (who are hereby authorized and required to administer the same)
 take an oath or affirmation in the words following; to wit,

The oath.

I A. B. *do swear*, [or, being of the people called Quakers, *do solemnly affirm*], *That I will truly and faithfully, according to the best of my judgement and ability, execute the office of one of the principal land coal-meters for the city and liberty of Westminster, and for that part of the dutchy of Lancaster adjoining thereto, and for the several parishes of Saint Giles in the Fields, Saint Mary le Bon, and for such part of the parish of Saint Andrew Holborn, as lies in the county of Middlesex.*

So help me GOD.

Principals to
 appoint labouring coal-
 meters.

Their sta-
 tions.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said principal land coal-meters, or any one of them, and they, or any one of them, are and is hereby authorized, directed, and required, to appoint from time to time a sufficient number of persons to be labouring coal-meters, within the limits of this act; one or more of which said labouring coal-meters shall attend every day (*Sundays* excepted) at such of the coal wharfs, warehouses, or other places of sale, within the limits aforesaid, at which he or they shall be stationed by the principal land coal-meters, or any one of them, during the continuance of this act, at such time as is required by the wharfinger or dealer in coals where such meter or meters is or are stationed, to measure out, or see measured, the coals which shall from time to time be sold at any of the said wharfs, warehouses, or places where such labouring coal-meters shall be so stationed as aforesaid.

They are to
 be sworn.

V. And be it further enacted by the authority aforesaid, That no person shall be capable of acting as one of the labouring coal-meters to be appointed as aforesaid, until he shall, before one or more of his Majesty's justices of the peace for the said city and liberty of *Westminster* (who is and are hereby authorized and required to administer the same), take and subscribe an oath or affirmation in the words or to the effect following; to wit,

Labouring
 meters oath.

I A. B. *do swear*, [or, being of the people called Quakers, *do solemnly affirm*], *That I will duly and faithfully, to the best of my skill and knowledge, execute the office of one of the labouring coal-meters for the city and liberty of Westminster, and for that part of the dutchy of Lancaster adjoining thereto, and for the several parishes of Saint Giles in the Fields, Saint Mary le Bon, and for such part of the parish of Saint Andrew Holborn, as lies in the county of Middlesex; and that I will truly and impartially measure, or see measured, all coals between buyer and seller, without favour or hatred,*

So help me GOD.

And the said justice or justices respectively, who shall administer the

the oaths or take the affirmations by this act directed, is and are hereby required to certify the same to the next general quarter sessions of the peace to be holden for the said county of *Middlesex*, after the taking of such oaths or affirmations respectively, there to remain on record.

Justices to certify the oath or affirmation.

VI. Provided always, and be it further enacted by the authority aforesaid, That if the said principal land coal-meter or coal-meter, or any of the persons to be employed under them or him, shall at any time or times hereafter, during their or his respective continuance in their or his office or employment aforesaid, be directly or indirectly interested or concerned in the sale of any coals whatsoever, every such principal land coal-meter so offending shall, for every such offence, forfeit and pay the sum of one hundred pounds, and such labouring coal-meter respectively shall, for every such offence, forfeit and pay the sum of twenty pounds, and such labouring coal-meter, being thereof convicted before the said court of quarter sessions, shall be dismissed from his or their said respective office or employment, and be for ever disabled from holding or executing the same, or any other, under this act.

Meters not to be interested in the sale of coals.

VII. And be it further enacted, That upon notice in writing, or otherwise, being given to any of the said labouring coal-meters, or left at the said principal land coal-meter's office, for a labouring coal-meter or meters to attend at any wharf within the limits of this act, to be named in such notice, in order to measure, or see measured, the coals of the person giving the notice, such labouring coal-meter or meters shall attend, pursuant to such notice, within the space of one hour from the time of giving the same, or sooner if possible, and do his or their duty according to the intent and meaning of this act; and, in case of neglect or refusal to attend accordingly, such labouring coal-meter or meters shall, for every such offence, forfeit and pay the sum of twenty shillings each, and the principal land coal-meters or coal-meter, neglecting to send such labouring coal-meter or meters as aforesaid, shall, for every such offence, forfeit and pay the like sum of twenty shillings.

Penalty on principals neglecting to send a labouring coal-meter, and on labouring coal-meters not attending on notice.

VIII. *And, in order to prevent confederacy*, be it enacted, That the stations to be appointed to and for the labouring coal-meters shall be frequently varied by the principal land coal-meters or coal-meter, or the persons or person executing the office of principal land coal-meter, in such manner as they or he shall think fit.

Stations of labouring meters to be varied.

IX. And be it further enacted by the authority aforesaid, That all coals which, from and after the said twenty-fourth day of *July*, shall be sold as and for wharf measure, at any place or places within the limits of this act, shall be measured in the presence of one of the said labouring coal-meters, in such manner as is directed in and by an act passed in the sixteenth and seventeenth years of the reign of King *Charles the Second*, intituled, *An act for regulating the measures and prices of coals*; and the said

Coals to be measured in presence of a labouring meter.

labouring coal-meters shall and may, and are hereby respectively

16 & 17 Car. 2. c. 2.

authorized

authorifed and required to fill up any bufhel or bufhels of coals that fhall appear to him or them to be deficient or wanting in meafure, out of the ftock of coals of the perfon or perfons vending or contracting for the fale of the faid coals.

Coal-meters fee, 4d. per chaldron, to be paid by feller.

Tickets to be delivered to the feller or carman.

Contents of the tickets.

Tickets to be delivered by labouring meter to carman, and by him to the confumer.

Confumer to repay metage to the feller. Penalty on labouring coal-meters neglecting to deliver ticket to the carman; and on the carman altering it, etc.

X. And be it further enacted by the authority aforefaid, That four-pence by the chaldron for every chaldron of coals which, from and after the faid twenty-fourth day of July, fhall be fold and delivered at any wharf, warehouse, or place within the limits of this act, fhall be paid by the perfon who keeps the wharf, warehouse, or place where fuch coals are carted, from or by the feller of fuch coals to the principal land coal-meters or coal-meter for the time being, as a recompence for their or his labour and trouble, and for defraying the charges of clerks, meffengers, houfe rent, fire, candles, and all other expences incident to the execution of the office aforefaid; and for the hire of the labouring coal-meters; and thereupon fuch principal land coal-meters or coal-meter fhall, and they and he are and is hereby required to deliver, or caufe to be delivered, to every feller of fuch coals, or the carman who fhall cart, lead, drive, or carry away the fame, a paper, writing, or ticket, figned by one of the faid principal land coal-meters, and counterfigned by the labouring coal-meter attending and delivering the fame, in which fhall be contained as well the christian and furname of the refpective fellers as of the confumers of the faid coals, the quantity, and day of the week, month, and year of the delivery and admeafurement, the amount of the metage charge, and the names of the carmen or perfons employed to cart, lead, drive, or carry the fame coals; and alfo fhall contain a notice to the purchaser or purchasers of the faid coals, that if he, fhe, or they is or are difatisfied with the meafure thereof, fuch difatisfaction muft be expreffed to the carman before any part thereof is fhut or unladen from the faid cart; which faid ticket being thus made compleat, and metage paid, fhall be delivered, unaltered, by the labouring coal-meter counterfigning the fame, without delay, to the carman or perfon employed to cart, carry, drive, or lead the coals defcribed in fuch ticket to the confumer therein named; which faid ticket, unaltered, the carman, or perfon therein named, to be employed to cart, carry, lead, or drive the coals in fuch ticket defcribed, fhall, and he is hereby required to deliver to the refpective confumers therein named, or to their agent or fervant, who fhall attend to receive the coals defcribed in fuch ticket, for the ufe of fuch confumer; and thereupon he, fhe, and they are hereby required to pay to the feller, named in fuch ticket, the metage therein fpecified; and if the labouring coal-meter counterfigning fuch ticket, fhall, after payment of the metage charge in purfuance of this act, refufe or neglect to deliver fuch ticket, as hereinbefore directed, to the carman, or perfon employed to cart, lead, drive, or carry the coals therein defcribed, fuch labouring coal-meter fhall, for every fuch offence, forfeit and pay the fum of forty fhillings; and if fuch carman or perfon employed to cart, carry, lead, or drive the coals

coals described in such ticket shall, after the same ticket shall have been so delivered to him by the labouring coal-meter counter-signing the same, either alter, or neglect or refuse to deliver the same ticket to the consumer therein named, or to the agent or servant who shall attend to receive the coals described in such ticket, such carman or person employed to cart, lead, or drive the coals described in such ticket, shall likewise forfeit and pay, for every such offence, the sum of ten shillings.

XI. And be it further enacted by the authority aforesaid, That if any cart or carts loaded, or in which any quantity of coals exceeding seventeen bushels shall be sent or driven from any wharf, warehouse, or place situate within the limits of this act, without having been measured under the inspection of the said principal land coal-meters or coal-meter, or of such labouring coal-meter, or without having first obtained such ticket as aforesaid, that then and in every such case the vender of the said coals, being convicted thereof by the oaths (or, being of the people called *Quakers*, by affirmation) of two or more witnesses, before one or more of his Majesty's justices of the peace for the said county of *Middlesex*, or city and liberty of *Westminster*, shall, for every such offence, forfeit and pay the sum of ten pounds.

Penalty on vender for sending coals unmeasured, or without a ticket.

XII. And be it further enacted by the authority aforesaid, That, from and after the twenty-fourth day of *July*, one thousand seven hundred and eighty-six, no sacks to be made use of for the carriage of coals, within the limits of this act, which shall not be full four feet four inches in length, and full twenty-six inches in breadth, after they are made, shall be sealed or marked at any office or offices, or by any officer or officers appointed, or to be appointed, for the purpose of sealing and marking such sacks, by any law now in being respecting the same.

Sacks not to be sealed or marked, which shall not be full four feet four inches long, and 26 inches broad.

XIII. And it is hereby further enacted by the authority aforesaid, That if any wharfinger or carrier of coals shall, at any time or times hereafter during the continuance of this act, make use of any sack or sacks for the carrying of coals, within the limits of this act, of less dimensions than four feet in length, and two feet in breadth, or shall wilfully make, or procure to be made or used, any false bushel or other measure, and be convicted thereof by the oaths (or, being of the people called *Quakers*, by affirmation) of two or more credible witnesses, before one or more of his Majesty's justices of the peace for the said county of *Middlesex*, or city and liberty of *Westminster*, he shall, for every such offence, forfeit and pay the sum of five pounds.

Dimensions of sacks to be used.

XIV. And it is hereby further enacted by the authority aforesaid, That if any wharfinger or dealer in coals, shall, directly or indirectly, give or cause to be given to any labouring coal-meter within the said limits, at any time or times hereafter during the continuance of this act, any sum or sums of money, or other fee, reward, or gratuity whatsoever, over and besides the fourpence *per chaldron* herein-before enacted and allowed for the charges of *metage*, and shall be convicted thereof by the oaths

Penalty on wharfingers, etc. bribing meters.

(or,

(or, being of the people called *Quakers*, by affirmation) of two or more credible witnessess, before one or more of his Majesty's justices of the peace for the said county of *Middlesex*, or city and liberty of *Westminster*, he shall, for every such offence, forfeit and pay the sum of fifty pounds.

Penalty on meters permitting deficient sacks to be used.

XV. And be it further enacted by the authority aforesaid, That if any labouring coal-meter shall, at any time or times hereafter during the continuance of this act, use, or permit or suffer sacks to be made use of, for the measuring or carrying of coals, of less dimensions than four feet in length, and two feet in breadth, at any place or places within the said limits, and be convicted thereof by the oaths (or, being of the people called *Quakers*, by affirmation) of two or more credible witnessess, before one or more of his Majesty's justices of the peace for the said county of *Middlesex*, or city and liberty of *Westminster*, he shall, for every such offence, forfeit and pay the sum of forty shillings.

Penalty on labouring meter delivering false tickets;

XVI. And it is hereby further enacted by the authority aforesaid, That if any labouring coal-meter, to be appointed and qualified pursuant to this act, shall, at any time or times hereafter during the continuance of this act, deliver a false or counterfeit ticket to any dealer, consumer, carman, or other person, with intent to prejudice or defraud any person or persons whomsoever: or shall take and receive from any dealer in coals any sum or sums of money, fee, reward, or gratuity whatsoever, over and besides the four-pence *per* chaldron herein-before enacted and allowed to be taken for the metage charge; or if any such labouring coal-meter shall wilfully make, permit, or suffer to be made, false measure of coals, or shall deliver a ticket for any quantity of coals, the whole of which he shall not have seen measured, at any place or places within the said limits; and shall be, in any or either of the said cases, convicted thereof by the oaths (or, being of the people called *Quakers*, by affirmation) of two or more credible witnessess, before one or more of his Majesty's justices of the peace for the said county of *Middlesex*, or city and liberty of *Westminster*, he shall be rendered incapable of ever serving thereafter in the office of a coal-meter; and the principal land coal-meters or coal-meter for the time being shall, for every such offence of such labouring coal-meter so convicted as aforesaid, forfeit and pay the sum of forty shillings.

or receiving any reward besides 4d. per chaldron; or making false measure, etc. or delivering any ticket for coals he did not see measured.

Exemptions with respect to water works, and persons having one chaldron or more of coals as pool measure.

XVII. Provided always, and it is hereby declared, That this act shall not extend to the owners of any works for raising water by fire, nor to the owners of any coals to be bought, sold, and delivered as and for pool measure, but that they shall and may have one chaldron of coals, or more, delivered under the inspection of his or their own agent in the absence of a meter, and in that case such persons are hereby respectively exempted from the payment of any metage charge by virtue of this act; but if such persons shall require the care or attendance of any meter, to be appointed in pursuance of this act, then, and in such case, they shall pay the metage charge of four-pence by the chaldron hereby

hereby laid, as other consumers of coals are hereby obliged or ought to do, in pursuance of this act; any thing herein-before contained to the contrary hereof notwithstanding.

XVIII. And be it further enacted by the authority aforesaid, That if any such labouring coal-meter shall, from and after the said twenty-fourth day of *July*, wittingly or willingly suffer any coals sold as and for wharf measure (exceeding the quantity of seventeen bushels) to be sent from any wharf, warehouse, or place within the limits of this act, without being measured in the manner herein-before directed, and shall not give information thereof to the principal land coal-meters or coal-meter, or their or his deputies at the said office, within two days next after such coals shall have been sent as aforesaid, and shall be duly convicted thereof by the oaths (or, being of the people called *Quakers*, by affirmation) of two or more credible witnesses, before one or more of his Majesty's justices of the peace for the said county of *Middlesex*, or city and liberty of *Westminster*, such labouring coal-meter shall from thenceforth be for ever rendered incapable of acting as a labouring coal-meter within the limits comprised in this act, and forfeit and pay the sum of five pounds.

Penalty on meters suffering coals to pass without being measured.

XIX. Provided always, and be it further enacted by the authority aforesaid, That if the driver of any cart or carriage with coals loaded therein, from any wharf, warehouse, or place within the limits of this act, or any person belonging thereto or employed therewith, shall take or deliver, or suffer to be taken or delivered, from such cart or carriage, any coals under his care, otherwife than to or for the use of the owner or owners, purchaser or purchasers thereof, and shall be thereof convicted, every such person shall, for every such offence, forfeit and pay the sum of forty shillings; and, in case of nonpayment thereof, every such offender shall and may be committed, by warrant under the hand and seal or hands and seals of the justice or justices before whom such conviction shall be had, to the house of correction for the said county of *Middlesex*, or city and liberty of *Westminster*, there to remain for any time not exceeding three calendar months, nor less than one calendar month, unless the said penalty or forfeiture be sooner paid and satisfied.

Penalty on carman taking, or permitting coals to be taken out of his cart.

XX. Provided also, and be it further enacted by the authority aforesaid, That if any person shall be dissatisfied with, or think himself or herself aggrieved by or in the measure of any coals sold to him or her by wharf measure, within the limits aforesaid, and shall, upon delivery to him or her of the meter's ticket accompanying such coals, signify his or her desire to have the same remeasured, then, and in every such case, the carman or driver of the cart or other carriage, in which the said coals shall be brought, shall continue at the house or lodging of the purchaser of the said coals, with the said coals and the said cart or carriage, until they are remeasured, under the penalty of five pounds on the owner or proprietor, and twenty shillings on the driver of the said cart or carriage; and the said purchaser shall immediately

Persons dissatisfied may have coals remeasured, signifying their desire.

Driver to continue with the coals and cart till remeasured.

Purchafer to
send notice in
writing to
vender and
meter.

mediately fend, or caufe to be fend, to the vender of the faid coals, or to his or her wharf, warehouse, or place, notice in writing that the faid coals are going to be remeafured, and alfo fend notice thereof to the land coal-meter's office; and thereupon a principal meter, or one of the labouring meters (not being the meter under whose inspection the faid coals were originally meafured), fhall, within the fpace of two hours next after fuch notice in writing left at the land coal-meter's office aforefaid, attend to remeafure the faid coals, and fhall accordingly remeafure the fame, fack by fack, in the prefence of the vender and purchafer of the faid coals, or their agents or fervants, if any of them fhall attend and defire to fee the fame remeafured, and alfo in the prefence of one of the principal or labouring land coal-meters of or for the city of *London*, or of or for that part of the county of *Surrey* lying between *Putney* and *Rotherhithe*, if fuch purchafer fhall think proper to require the attendance of fuch laftmentioned coal-meter; who fhall, and is hereby directed and required to attend accordingly, within the fpace of two hours after notice in writing left at fuch laftmentioned coal-meter's office; and in cafe fuch laftmentioned coal-meters or coal-meter fhall neglect or refufe to attend purfuant to fuch notice, he or they fhall, for every fuch offence, forfeit and pay the fum of five pounds: for which remeafurement the purchafer fhall pay the principal land coal-meters or coal-meter, appointed by this act, and alfo fuch other land coal-meter, from the city of *London*, or from that part of the county of *Surrey* aforefaid, as fhall attend fuch remeafurement, the fum of fixpence each, for every chaldron of coals fo remeafured; and in cafe the coals thus remeafured fhall not amount to the quantity for which they were fold, then the vender of fuch coals fhall forfeit and pay, for every bufhel of coals found deficient, the fum of five pounds, and alfo forfeit every chaldron of coals fo found deficient or wanting in meafure, to and for the ufe of the poor of the parifh where the faid coals fhall be fo remeafured; and the labouring meter, under whose inspection the coals were firft meafured, fhall, for every bufhel fo deficient, forfeit and pay the fum of five pounds, which fum, if not paid within five days next after his conviction, fhall and may be recovered from the perfons or perfon executing the office of principal land coal-meter for the time being, eftablished by this act; and the coal porters, who fhall meafure the fame for the vender thereof fhall, for every bufhel of coals fo wanting, forfeit and pay the fum of two fhillings and fixpence.

Purchafer to
pay 6d. per
chaldron for
remeafuring.

Penalty on
vender, &c.
when coals
prove defi-
cient.

Carmen to be
paid 2s. 6d.
per hour,
when ftopped
to remeafure
coals.

XXI. Provided alfo, and be it further enacted by the authority aforefaid, That in all cafes where any cart fhall be ftopped or detained for the purpofe, or on pretence, of remeafuring the coals laden thereon, the owner of every fuch cart fhall be entitled to the fum of two fhillings and fixpence per hour for every hour the cart fhall be fo detained, over and above the ufual cartage of fuch coals; which two fhillings and fixpence per hour fhall be paid by the vender of the faid coals, in cafe the

same

same shall, upon such remeasurement, be found deficient in measure; or by the purchaser of the said coals, in case the same shall not be remeasured, or shall, upon such remeasurement, be found to amount to the quantity for which the same were sold.

XXII. Provided also, and be it further enacted by the authority aforesaid, That no seller of or dealer in coals, within the limits aforesaid, shall, for any offences under this act, be subject or liable to any other penalty, forfeiture, or disability than what are herein-before respectively inflicted or enacted; any thing in the act of the third year of the reign of his late majesty King George the Second, intituled, *An act for the better regulation of the coal trade*, or in any other law, statute, or custom to the contrary notwithstanding.

Dealers of-
fending under
this act not
liable to pe-
nalties of act
3 Geo. II, etc.

XXIII. And be it further enacted, That it shall and may be lawful for the justices of the peace for the county of *Middlesex*, or city and liberty of *Westminster*, in general or quarter session assembled, and they are hereby authorized and required to inquire into, hear, and determine any complaint of fraud, neglect, or misbehaviour of the said *John Paulin*, *John Arbutnot*, and the principal land coal-meters for the time being, or any or either of them, in the same manner as they are by law authorized to inquire into, hear, and determine misdemeanours; and if any such land coal-meter shall be found guilty of any fraud, neglect, or misbehaviour, he shall forfeit and pay, for the use of his Majesty, such fine as the court before whom such complaint shall be made shall think fit, not exceeding forty pounds, together with such costs as the court shall think proper to award and direct, and in default thereof, be committed to the house of correction for the said county till such fine and costs are fully paid and satisfied.

For empower-
ing the justices
of Middlesex
and Westmin-
ster to take
cognizance of
complaints
against coal-
meters.

XXIV. And be it further enacted and declared by the authority aforesaid, That the several penalties and forfeitures imposed or inflicted, and to be incurred, by virtue of or under this act, (the manner of levying and recovering whereof is not hereby otherwise particularly directed,) shall be recovered and applied in the manner, and to and for the purposes following; that is to say, such and so many of the said penalties and forfeitures as do and shall respectively exceed the sum of five pounds, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, one moiety whereof, when recovered, shall be to and for the use of our sovereign lord the King, his heirs and successors, and the other moiety thereof (with full costs of suit) to and for the use of such person or persons who shall inform or sue for the same; and all other the aforesaid penalties and forfeitures shall be recovered by way of complaint made unto any one or more justice or justices of the peace for the said county of *Middlesex*, or city and liberty of *Westminster*; who is and are hereby required to call the parties before him or them, and to hear and examine such complaint, on oath, or upon affirmation (in case any testimony in this respect shall be given by any of the people called *Quakers*), and;

Recovery and
application of
penalties, etc.

upon due proof thereof made, to his or their satisfaction, to grant a warrant under his or their hand and seal, or hands and seals, for levying such penalties and forfeitures accordingly; one moiety whereof shall be applied to the use of the informer, and the other moiety to and for the use of the poor of the parish in which such offences shall have been respectively committed; and, in case such last-mentioned penalties or forfeitures shall not (after such conviction or convictions) be forthwith paid, that then the same shall be levied by distress and sale of the goods and chattels of the respective offenders, by warrant or warrants under the hand and seal, or hands and seals of such justice or justices of the peace before whom such offender or offenders shall be convicted, rendering the overplus (if any be) to such offender or offenders; and which said last-mentioned penalties and forfeitures, when paid or recovered, shall be immediately transmitted by the said justice or justices to the overseers of the poor of the parish where the person complaining shall reside, for the use of the poor of such parish; and, for want of sufficient distress, such offender or offenders shall be committed to the house of correction, for any time not exceeding thirty days, nor less than seven days, there to remain and be kept to hard labour.

Persons aggrieved may appeal to the quarter sessions.

XXV. Provided always, and it is hereby further enacted and declared, That if any person, so convicted as aforesaid, shall think himself aggrieved, he may appeal to the general quarter sessions of the peace to be held for the county of *Middlesex* next after such conviction, but not afterwards; of which appeal such appellant shall give to the prosecutor or informer seven days previous notice of his intention of trying the same; and such general quarter sessions, when so appealed to, shall then hear and finally determine the same; but in case there shall not be seven days between such conviction and the then next quarter sessions, then such appeal shall be heard and finally determined at the following quarter sessions, such notice being first given as aforesaid: and if the appellant in such appeal shall not make good, support, and succeed in such his appeal, or prosecute the same with effect, the said court of sessions shall then award such costs as they shall think reasonable, to be then and there in open court, with the penalty adjudged on and by such conviction, paid to the prosecutor or informer; and, for want thereof, to commit the person or persons thus appealing, to the common gaol of and for the county of *Middlesex*, there to remain until he or they shall and do make actual payment of such costs and penalty to the person or persons to whom the same shall be awarded, for the purposes aforesaid; but in case the said appellant shall make good, support, and succeed in such his appeal, and be acquitted of his conviction, the same court shall, in that case, award to such appellant reasonable costs, to be then and there in open court paid to him or them by the person or persons on whose information or prosecution such conviction shall have been founded or made; and, for want of such payment, the said

The court to award costs, etc.

faid court of feffions fhall commit fuch informers and profecutors refpectively to the common gaol of the faid county of *Middlefex*, there to remain until he or they fhall and do actually pay to fuch appellat the cofts fo refpectively awarded to them as aforefaid; but no conviction, to be pronounced or made by virtue of or under this act, fhall be quafhed or vacated for want of form only.

Conviction not to be quafhed for want of form only.

XXVI. And it is hereby enacted, That no writ of *Certiorari* fhall ifsue, or be ifsuable, to remove the record of any conviction or proceedings thereon, to be taken, made, or pronounced, in purfuaunce or by the authority of this act, into any of his Majefty's courts of record at *Westminfter*.

No certiorari.

XXVII. And be it further enacted by the authority aforefaid, That this act fhall commence and take place upon *Monday* the twenty-fourth day of *July*, one thoufand feven hundred and eighty-fix, and fhall be in force and have continuance until the twenty-fourth day of *June*, which will be in the year of our Lord one thoufand feven hundred and ninety-five, (being the refidue and remainder now to come and unexpired of the term granted by the faid recited act of the twenty-firft year of the reign of his prefent Majefty), and from thence to the end of the then next feffion of parliament; and that from and after the faid twenty-fourth day of *July*, one thoufand feven hundred and eighty-fix, the faid recited acts of the nineteenth, twenty-third, twenty-fourth, thirty-firft, and thirty-fecond years of the reign of his faid late majefty King *George* the Second, and of the fixth and twenty-firft years of the reign of his prefent Majefty, fhall be, and is and are hereby repealed.

Commencement and continuance of this act.

Acts of 19, 23, 24, 31, and 32, Geo. II. and of 6 and 21 Geo. III. repealed.

XXVIII. And be it further enacted by the authority aforefaid, That if any action, information, or fuit, fhall be brought, filed, or profecuted againft any perfon or perfons, for any thing done in purfuaunce of this act, the fame fhall be commenced or filed within two calendar months next after the fact committed, and not afterwards; and fhall be laid in the county of *Middlefex*, and not elfewhere; and the defendant or defendants in or to fuch actions, fuits, or informations, may plead the general ifsue, and give this act and the fpecial matter in evidence, on any trial to be had thereupon, and that the fame was done in purfuaunce of this act: and if the fame fhall appear to have been fo done, or if any fuch action, fuit, or information, fhall be brought or filed after the time for that purpofe limited, or fhall be brought in any other county or place, then the jury, in every fuch cafe, fhall find for the defendant or defendants; and if the plaintiff or plaintiffs fhall become nonfuit, or fuffer a difcontinuance of his, her, or their action or actions, or if a verdict fhall pafs againft the plaintiff or plaintiffs, or if, upon demurrer, judgement fhall be given againft the plaintiff or plaintiffs, the defendant or defendants fhall have full cofts, and fuch remedy for the recovery of the fame as any defendant or defendants hath or have for cofts of fuit in other cafes by law.

Limitation of actions.

General ifsue.

Costs

XXIX. And

Publick act. **XXIX.** And be it further enacted by the authority aforesaid, That this act shall be deemed, judged, and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

C A P. CIX.

An act for incorporating the members of a society to be called The Clyde Marine Society; for the better empowering and enabling them to carry on their charitable and useful designs; and for levying certain duties from shipmasters and others, for that purpose.

Preamble.

WHEREAS a number of merchants and ship owners in the city of Glasgow did, in the year one thousand seven hundred and fifty-eight, form themselves into a society, by the name of The Glasgow Marine Society, which was afterwards united with a society erected at Greenock for similar purposes; of which united society many other merchants and ship owners in the said city of Glasgow, and in the towns of Greenock, Port Glasgow, and Crawford's Dyke, all situated on the banks of the river Clyde, in that part of Great Britain called Scotland, afterwards became members, for the purpose of establishing a charitable fund for the relief of sick, worn-out, and decayed ship masters, officers, and mariners navigating ships and vessels belonging to or freighted by merchants, ship owners, and others of the said city and towns, and their dependencies; and of the widows and families of such ship masters, officers, and mariners; and have been enabled by the entry money paid by the members, and the voluntary donations and subscriptions of charitable and well-disposed persons, and by a contribution, or poundage, at the rate of two-pence per pound sterling, on the wages of the ship masters, officers, and mariners belonging to or sailing from the said city and towns, not only to afford relief to a great number of indigent persons of the description aforesaid, and to carry the humane purpose of their association so far into effect as to distribute annually, for the last eight years, at an average, the sum of two hundred and eighty-nine pounds, ten shillings, and one penny halfpenny sterling, in fixed and settled pensions to the said persons, and in small sums, given in occasional charity to persons of the aforesaid description, when they were in temporary want from sickness, or had been maimed, wounded, or shipwrecked, or had met with any other accidental or casual misfortune, by which many hundreds of persons have been relieved from most distressing and calamitous situations since the institution of the said society; but also to accumulate a capital stock, which, on the first day of March, one thousand seven hundred and eighty-six, amounted to two thousand one hundred and sixty-two pounds, thirteen shillings, and four-pence sterling, the interest of which, joined with the other aforesaid funds, has been, from time to time, applied to the charitable purposes before recited: and whereas experience hath shown, that the said society hath hitherto been of considerable use and advantage, and it is presumed that the said society, if countenanced and supported by the laws of this realm, and established upon a permanent and respectable foundation,

and vested with proper powers for enabling them to carry into execution their charitable designs, would be of much more extensive use, benefit, and advantage, and would contribute to the commercial interests of the said city, and towns, and their dependencies: but it is apprehended that these useful ends cannot be attained in their full extent, without the aid and authority of parliament; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, *Alexander Brown* esquire, present dean of guild of the said city of *Glasgow*; and *John Campbell* of *Clathick*, *James Richie* of *Bushbie*, *James Dunlop* of *Garnkirk*, *Archibald Henderson*, *James Sommerville*, *James M^cDowall*, *Robert Dunmore*, and *Robert Finlay*, all merchants in *Glasgow*; *John Paterson*, *John M^cCunn*, *James Gammill*, *William Fullarton*, *Hugh Moodie*, *Andrew Anderson*, and *Roger Stewart*, merchants in *Greenock*; and *John Crawford junior*, *John Dunlop*, *Patrick Dougall*, *James Howie*, and *Stephen Rowan*, merchants in *Port Glasgow*, shall, and they are hereby declared to be directors of the said society, and shall continue to be so, until the first general meeting of the said society, to be held at the time and place and in the manner herein-after mentioned, but no longer, unless they shall be re-elected in manner after mentioned; and that they and their successors to be elected and named in manner herein-after directed, together with the persons whose names are at present subscribed or enrolled in the said society's books as members thereof, and those persons who may hereafter become members, shall be, and they are hereby declared and adjudged to be, one body corporate and politick, in deed and in name, by the name of *The Clyde Marine Society*; and by that name they shall have perpetual succession, and a common seal, with power to change, alter, break, and make new the same, when and as often as they shall judge the same to be expedient: and that they and their successors, by the same, may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any courts or court of record, and places of judicature within this kingdom; and that they and their successors, by the name aforesaid, shall be able and capable in law to have, hold, receive, enjoy, possess, and retain, for the ends and purposes of this act, all such sum and sums of money as have been given, devised, or bequeathed, or shall at any time or times hereafter be paid, given, devised, or bequeathed to them by any charitable or well-disposed person or persons; and also to sue for, levy, collect, hold, possess, and dispose of the duty for shipmasters, officers, and mariners herein-after given and granted.

Directors of
the Clyde ma-
rine society.

Stock of 2,162l. 13s. 4d. sterling, vested in the society. General court for electing twenty-one directors on the 2d Thursday in August, 1786. A general annual meeting to be held for the choice of directors, on the second Thursday in August, yearly. Election of directors; four to go out yearly, and four chosen in their room. Directors may settle pensions

fions on decayed fhip-mafters, &c. Other courts of directors to be held for difpofing of their funds. Directors may give temporary charity. Dean of guild of Glasgow to be prefident of the corporation. Directors to appoint a treafurer, who is to account and keep books of proceedings. Books to be produced at the general annual meeting. Perfons fubfcribing 2l. 2s. fterling, to become members. Duties to be levied from fhip-mafters, &c. mafter to pay 9d. per month; firft mafter and firft carpenter 6d. all others 3d. Duty not to be levied from perfons navigating lighters, gabbarts, boats, and other fmall craft, ufed on the river Clyde, or on the Great or Monkland canals. Mafters, etc. of fhips obliged to pay duties for men navigating fhips, &c. Receivers of the duties to be appointed by the directors. Receivers of duty to fummon mafters of fhips to appear. Expences of this act to be raifed by a duty of 2d. per month, additional for one year, and the furplus to go to the flock. Penalty on making falfe oaths, perjury. Limitation of actions to fix months. Publick act.

C A P. CX.

An act for fupplying North Shields, and the fhipping reforting thereto, with water.

Proprietors; Edward Hall of Whitley, in the parifh of Tinmouth, William Watfon, William Taylor, Richard Armftrong, John Rippon, and George Rippon, of North Shields, brewers, incorporated by the name of the Company of Proprietors of the North Shields waterworks. Their powers to enter on lands belonging to the duke of Northumberland, in the manors of Tinmouth or Tinmouthfhire, or either of them; to dig and fearch for fprings of water, and to convey fuch water from thence, and from a fpring arifing in Whitley limestone quarry, to the town of North Shields, &c. and to make water courfes, &c. over any lands they think neceffary, and to make refervoirs, &c. for keeping fuch water; and to dig up the roads, ftreets, &c. and lay pipes, and put ftop cocks, etc. and to alter the fame as neceffary; doing as little damage as may be; and no building, yard, orchard, garden, planted walk, lawn, or avenue to any houfe, to be entered without confent of the owner. No perfon to be refrained from fupplying the town as heretofore, etc. or the village of Cullercoats, from being fupplied from Marden Well, or the fpring in Whitley limestone quarry; and not to make any refervoir on the weft fide of the road from the north-weft end of North-Shields to Prefton, without confent of the owner of lands, etc. Inhabitants defirous of having the water laid into their houfes, may make pipes to communicate with the company's pipes. Penalty on laying pipes, etc. without the confent of the company, 20s. a day while they remain. No inhabitant of the town to be fupplied by a feparate pipe from a refervoir, but only by the common main pipe. Penalty on perfons interrupting or injuring the works, 10l. and to make good the damages. No action for damage occafioned by working any colliery. The duke of Northumberland to have a feventh part of the profits of the undertaking, in confideration of permitting the company to take water from his lands, etc. to be paid the 1ft Monday in March, yearly. Company to keep accounts of their receipts and difburfements, which may be infpected by the duke, and his agents. The duke not to be deemed a partner, or fubjected to any expence of the undertaking. Satisfaction to be made for damage to lands, etc. held by leafe under the duke, and to the proprietors of other lands; or to be fettled at the quarter fefions, by jury, in 12 months after damage, on notice, etc. Undertaking vefted in the proprietors, and they are to bear the expences in equal fhares. Company impowered to borrow money, to be laid out on the undertaking, at intereft, on mortgage. Intereft of the money borrowed to be paid in preference to any dividends to the company. All acts of the company may be done by the major part. Recovery of penalties above 10l. by action, etc. and under 10l. by diftreff, etc. Appeal, in fix months, to the general quarter fefions. Limitation of actions

actions to fix months after the fact. General issue may be pleaded, and act, etc. given in evidence. Treble costs on verdict, etc. If the company do not lay out 500*l.* in three years, the act to be void. And to be a publick act.

C A P. CXI.

An act to amend and render more effectual an act, made in the thirty-third year of the reign of his late majesty King George the Second, for rebuilding, widening, and enlarging the bridge over the river Avon, in the city of Bristol, and erecting a temporary bridge adjoining; and for widening the streets, lanes, ways, and passages leading thereto; and for building another bridge over some other part of the said river, within the said city (if necessary); and for opening proper ways and passages thereto; and for making a way from the bridge already built to Temple Street, in the said city.

C A P. CXII.

An act for raising a competent sum of money to defray the expence of a proper number of watchmen, patrols, and beables, within the parishes of Saint Margaret and Saint John the Evangelist, in the city of Westminster.—Rates not to exceed 9*d.* in the pound.

C A P. CXIII.

An act for widening several streets in the city of Edinburgh; for opening a communication from Queen's Street to Broughton Loan; for enlarging the burial ground; and for extending the royalty of the said city over part of the lands of Broughton.

C A P. CXIV.

An act for ascertaining and collecting the poors rates, and for better governing, regulating, maintaining, and employing the poor, in the parish of Saint John Southwark, in the county of Surrey.

first meeting of the churchwardens, overseers, and vestrymen, to carry the act into execution, to be in 20 days after passing the act. For calling subsequent meetings, annually, at the vestry hall, on Thursday Whitfun-week, or in 14 days after. Ten persons to be chosen annually, who, with the parish officers and vestry men, shall be called governors and directors of the poor of the parish. Pound rates to be made as shall be expedient. Rates on divided tenements to be paid by occupiers, and deducted out of the rent. Rates may be collected from parties removing, in proportion, to be settled by governors, etc. The present debt of the parish to be ascertained, on Easter Thursday, 1786, or raising money by annuities to discharge the debt on the parish, not exceeding 1000*l.* nor on lives under 40, payable quarterly. Names of tenants to be entered in a book, and account kept of all payments to them. Annuities to be charged on the rates, and may be assigned. Securities given to the purchasers of annuities, to be paid in 30 days after due. To appoint a treasurer, and oblige him to account. The treasurer to pay the money, as the governors and directors shall appoint. The governor, etc. to provide goods, etc. for the workhouse for their own profit. The poor to be maintained and employed, and the price of their labour to go towards their maintenance. Contracts may be made for maintaining and employing the poor. Collectors to be appointed. Their power to levy arrears, after demand by distress and sale, etc. Their allowance 6*d.* in the pound. Giving security for fully accounting. Money to be paid to the treasurer. Collectors to account with the auditors, or be punished by imprisonment. In case collector appointed, the rates to be collected by the churchwardens

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and overſeers, according to ſ. Eliz. Monies coming to the hands of the churchwardens, etc. to be paid to the treaſurer, and accounts thereof be delivered to the auditors. Perſons aggrieved by rates may appeal to ſeſſions, after having firſt applied to governors, etc. Former poor laws (except as altered by this act) to remain in force. No other poor rates to be made, but ſuch as are directed by this act. For puniſhing poor, miſbehaving themſelves, in the workhouſe, either by moderate correction, confinement, diſtinguiſhing them by drefs, or letting them in the ſtocks, not above 12 hours at a time, or ſuch other method as may beſt tend to remedy ſuch offences for the future without committing offenders to the houſe of correction, or other priſon. Penalty on perſons buying cloaths, etc. belonging to the pariſh; for the firſt offence ſl. the ſecond 10l. and third 20l. to be levied by diſtreſs and ſale; and in default thereof to be committed for three months. Penalty on conveying ſpirituous liquors into the workhouſe, ſl. Goods, money etc. veſted in governors and directors. Auditors of accounts to be appointed. Accounts of monies received and diſburſed to be entered in books, and examined by the auditors, who may call for the accounts. Duplicates of all examinations reſpecting baſtardy and ſettlements, to be kept at the workhouſe, under the controul of the governors, etc. Such duplicates to be deemed evidence, and inhabitants may be witneſſes. Notice to be given of veſtry meetings. Seven a quorum of meetings neceſſary to act. Expences of this act to be paid out of rate. Limitation of actions to fix months. General iſſue. Treble coſt: Publick act. Form of the oath, before directed to be taken by the church wardens, etc. on giving in their accounts.

I do ſwear, [or, being one of the people called Quaker I do ſolemnly affirm], That the account now delivered in by me ſigned with my own proper hand writing, and that the ſame doth contain a full and particular account of all monies received and expended by me, for and on account of the pariſh of Saint John Southwark, the county of Surrey, in reſpect to my office of [churchwarden, &c. : the ſame may be] of the ſaid pariſh, from the ^{day of} _{day of} ^{instant;} and that all the monies charged in the ſaid account, as expended by me, have actually been ſo expended for, and for the uſe of the ſaid pariſh.

C A P. CXV.

An act for providing a proper workhouſe, and better regulating the poor, within the pariſh of Barking, in the county of Eſſex; and for regulating the common wharf within the town of Barking.

C A P. CXVI.

An act for paving the footways and paſſages in the town of Cheltenham, in the county of Glouceſter; and for better cleaning and lighting the ſaid town; for taking down certain old buildings not ſtanding therein; and for removing and preventing other encroachments, nuiſances, and annoyances.

C A P. CXVII.

An act for pulling down and rebuilding the church of All Saints, the town of Newcastle upon Tyne, and for enlarging the churchyard, and making convenient avenues and paſſages thereto.

C A P. CXVIII.

An act for the more eaſy and ſpeedy recovery of ſmall debts within the town and port of Folkeſtone, and the pariſhes of Folkeſtone, Chilton, Newington next Hithe, Stanford, Poſtling, Lymington, Eltham, and Paddelſwo

Paddleworth, Acris, Swingfield, and Hawkinge, in the county of Kent.—Styled The Court of Requests in the Town and Port of Folkestone; to proceed for a debt of 2s. and under 40s.

C A P. CXIX.

An act for paving, repairing, cleansing, lighting and watching the streets, lanes, ways, passages, and places, within the borough of Newport, in the Isle of Wight; and for the removal of present, and prevention of future encroachments, nuisances, and annoyances therein.

C A P. CXX.

An act for paving, cleansing, lighting, and watching the streets, lanes, and other publick passages and places, within the manor of Southwark, otherwise called The Clink, or Bishop of Winchester's Liberty, in the parish of Saint Saviour, Southwark, in the county of Surrey; for the removal of present, and preventing of future encroachments, nuisances, and annoyances therein; for laying out two new streets, and widening and regulating several other of the streets and passages within the said liberty; for discontinuing the passage through Globe Alley; and for shutting up in the night time the way leading from Clink Street, in the said liberty, to the river side.

C A P. CXXI.

An act for appointing commissioners for putting in execution an act of this session of parliament, intituled, An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and eighty-six.

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